



## Community Development Department

### RENAISSANCE ZONE AUTHORITY MEETING AGENDA (REVISED) October 12, 2017

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David J. Blackstead Meeting Room      4:00 p.m.      City-County Office Building

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Item No.

Page No.

### MINUTES

1. Consider approval of the minutes of the September 14, 2017 meeting of the Renaissance Zone Authority.

### REGULAR AGENDA

*Requests for Renaissance Zone and/or Downtown Design Review approval*

2. **PUBLIC HEARING: Former Mathison's Building | 112 North 4<sup>th</sup> Street**  
Renaissance Zone and Downtown Design Review ..... 17  
*Staff recommendation: Approve*      ☐ approve      ☐ continue      ☐ table      ☐ deny
3. **PUBLIC HEARING: Boutique 23 | 201 West Main Avenue**  
Renaissance Zone and Downtown Design Review ..... 25  
*Staff recommendation: Approve*      ☐ approve      ☐ continue      ☐ table      ☐ deny
4. **Renovation of SRSSM Partnership Building | 212 North 2<sup>nd</sup> Street**  
Downtown Design Review ..... 30  
*Staff recommendation: approve*      ☐ approve      ☐ continue      ☐ table      ☐ deny
5. **The Rejuvenation Place Sign | 401 East Broadway Avenue**  
Downtown Design Review ..... 36  
*Staff recommendation: approve*      ☐ approve      ☐ continue      ☐ table      ☐ deny
6. **Proximal 50 Signs | 121 North Mandan Street**  
Downtown Design Review ..... 40  
*Staff recommendation: approve*      ☐ approve      ☐ continue      ☐ table      ☐ deny



<b>1A. [REVISED] Amendments to Mahalia Mees Mural   321 West Broadway Avenue</b>	
Downtown Design Review .....	45

Staff recommendation: approve

☐ approve

☐ continue

☐ table

☐ deny

## OTHER BUSINESS

<b>7. Discussion about holding meetings in Tom Baker Meeting Room</b>	
<b>8. Review of Public Hearing Procedure and Protocol and Bylaws .....</b>	<b>49</b>
<b>9. Review Amendments to Development Plan Requirements (Structural Assessments and Minimum Investments) .....</b>	<b>55</b>
<b>10. Update from Downtowners Association</b>	

## ADJOURNMENT

- 11. Adjourn.** The next regular meeting date is scheduled for **November 9, 2017.**

Enclosures: *Renaissance Zone Project Status Spreadsheet*

**BISMARCK RENAISSANCE ZONE AUTHORITY  
MEETING MINUTES  
SEPTEMBER 14, 2017**

The Bismarck Renaissance Zone Authority met on September 14, 2017 in the David J. Blackstead Meeting Room in the City-County Office Building at 221 North 5<sup>th</sup> Street. Chairman Walth presided.

Authority members present were Jim Christianson, Joe Fink, Chuck Huber, George Keiser, Todd Van Orman and Chairman Curt Walth.

Authority member Josh Askvig was absent.

Technical Advisors Steph Smith and Bruce Whittey were present.

Staff members present were Brady Blaskowski (Building Official), Sandra Bogaczyk (Office Assistant), Carl Hokenstad (Director, Community Development), Will Hutchings (Planner), Brenda Johnson (Senior Real Property Appraiser), Kim Lee (Planning Manager), Daniel Nairn (Planning), and Charlie Whitman (City Attorney).

Guests present were Kathleen Jones (County Commissioner), Kate Herzog (The Downtowners), Scott Bina (Mann Signs), Dale Zimmerman (Depot Properties), Nathan Schneider (Bismarck-Mandan Development Association), Shane Cornelius and Stephanie Miller (Butterhorn) Gina Norton (The Rejuvenation Center), Lorna Meidinger (State Historical Society), and Kirk Olson (United Printing).

### **CALL TO ORDER**

Chairman Walth called the meeting to order at 4:00 p.m.

### **MINUTES**

The minutes of the August 10, 2017 meeting were distributed with the agenda packet.

**MOTION:** A motion was made by Mr. Christianson and seconded by Mr. Fink to approve the minutes of the August 10, 2017 meeting. The motion passed unanimously with members Christianson, Fink, Huber, Keiser, Van Orman and Chairman Walth voting in favor.

### **DOWNTOWN DESIGN REVIEW**

#### **401 EAST MAIN AVENUE – AMENDMENTS TO BISMARCK DEPOT DESIGN**

Mr. Nairn stated that Dale Zimmerman, the owner of the Bismarck Depot at 401 East Main Avenue, is requesting an amendment to the design for renovations to the depot that was

previously approved by the Renaissance Zone Authority, acting as the Downtown Design Review Committee, on April 13, 2017. The amendment is related to the material and style of the windows and doors.

Mr. Nairn referred to the original application submitted, which stated that several of the existing windows will be replaced with wood windows and doors in the same style, materials and color as the existing windows. The elevation drawing provided in the application clearly showed the lattice pattern in the windows and stated that the doors would be replaced on three openings (the ones that were originally open), but the arched windows above the doors were not indicated as being replaced. Mr. Nairn said that the original design presented to the Authority clearly stated that the existing windows above the new tri-fold doors would remain intact, and that several of the original windows on the building would have to be replaced but would be done so with in-kind material, color and style. Mr. Nairn also noted that this was reaffirmed by the applicant's architect, when questioned by Mr. Whittey.

Mr. Nairn stated that the applicant's amended request is to replace all windows on the west side of the depot in the initial phase of renovation, with the ultimate goal of replacing all windows on the building to create a cohesive design. The replacement windows would utilize the same openings as the existing windows, and would be painted with an auto body finish to match the existing terra cotta color. The color would be matched exactly with the color used on the windows installed with the 2008 addition on the east side of the depot.

Mr. Nairn stated that the windows would be different from the approved design in two ways. They would be metal, instead of wood, and they would be clear glass without any lattice pattern. The new windows would be matched to the windows and doors that were replaced on the towers of the building about twenty years ago, except painted to match the terra cotta color.

Mr. Nairn stated that the applicant has stated that the new windows have already been purchased and will be painted within the next week. Staff has asked the applicant to explore the option of installing a metal grille on the new windows that is custom-fabricated to match the pattern and profile of the original windows. Mr. Nairn stated that the applicant has stated that this option is prohibitively expensive, both in terms of purchasing the product and washing the windows over time. The applicant provided an email with a cost estimate from Indigo Signs, which was distributed to the Authority.

Mr. Nairn stated that staff also suggested leaving most of the existing windows in place, and only replacing the ones that are damaged beyond repair, especially if cost is a major factor. The applicant has responded that none of the windows are in good enough condition to remain, and that replacing only some windows will add to the ersatz design of the building. Mr. Nairn stated that the applicant also recently provided an early rendering of the Bismarck Depot renovation that does not show any windows and doors on the building. That rendering was not included in the materials reviewed and was not approved by the Renaissance Zone Authority.

Mr. Nairn stated that there are several provisions within the Bismarck Code of Ordinances, as well as the 2015 Design Review Guidelines, which are relevant to this design. The Bismarck Depot building is individually-listed on the National Register of Historic Places. Mr. Nairn stated that the ordinance states that the removal of historic materials or alteration of features and spaces that characterize the building shall be avoided. The introduction of any new design elements should be consistent with the traditional features of the building. The rehabilitation of existing historically significant buildings is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation. All projects involving the restoration or rehabilitation of historically significant buildings are subject to review by the Downtown Design Review Committee. The ordinance also states that if the exterior of an existing historically significant building is being remodeled, renovated or rehabilitated, the size, shape and proportion of the original window openings shall generally be restored or maintained. In addition, the ordinance specifically states that replacement windows shall generally conform with the style of the original windows used in the building.

Mr. Nairn stated that staff met with the State Historic Preservation office and they said that the windows should either be left as is, or replaced in-kind with wood-framed windows in the same configuration and style as the originals, and that the windows are a character-defining feature. Mr. Nairn stated that they specified a preference for a full in-kind replacement, but also specified that the use of an extruded grille, installed on the exterior surface to emulate the original pattern, is acceptable. A letter from Lorna Meidinger from the State Historic Preservation office was included in the packet. The letter states that the loss of the window-features could result in action to delist the property from the National Historic Register. Mr. Nairn stated that additional comments were received from two individuals in support of maintaining the windows.

Mr. Christianson asked the applicant if he had attempted to replace the windows as they were replaced previously. Mr. Zimmerman said yes, but that an environmental testing company found that the windows are painted with lead paint and he wanted to remove all lead paint from the building. He further stated that to repair the windows and have the lead paint removed and then re-painted is cost-prohibitive.

Mr. Whittey stated that it was difficult to envision the proposed changes without a new drawing. Mr. Zimmerman stated that the drawing was forwarded to staff. Mr. Nairn stated that he did not recall receiving that drawing.

Mr. Christianson asked Mr. Zimmerman if he looked into retaining the lattice-work detail or scraping the paint off as Amtrak did when it previously owned the building. Mr. Zimmerman stated that the windows are covered with lead paint. Mr. Zimmerman further stated that because he was allowing children into the establishment he wanted all signs of lead paint gone. He stated that Badlands Environmental tested the building. He has rid the building of lead paint except for the windows. He further stated that the labor cost to re-paint over the existing paint and the cost to purchase new half-moon windows with the lattice were exorbitant, and he therefore chose to make the building more economically and energy

efficient and environmentally safe by choosing to replace all the windows without the lattice. Mr. Zimmerman stated that the architect sent staff an outdated packet excluding the May, 2016 image showing no lattice.

Mr. Whittey stated that when he asked the architect at the April 13, 2017 Renaissance Zone Authority meeting if there were any plans to replace the lights above the tri-fold doors, Mr. Ruhland stated that there were no plans to replace those lights. Mr. Zimmerman agreed that at the April meeting they were not going to be replaced. Mr. Whittey reminded members and Mr. Zimmerman that April 13<sup>th</sup> was the date when Authority members approved the project. Mr. Zimmerman agreed and stated that the lead paint is a serious issue. Mr. Whittey pointed out as a matter of procedure that the choice to remove the half-moon windows, or lights, was not presented to Authority members to approve. Mr. Zimmerman agreed.

Mr. Fink asked about the significance of having the windows removed in regards to being listed on the National Registry of Historic Buildings. Ms. Meidinger stated that she was the coordinator for that program and stated that a building is removed from the list when it has been altered to the point of losing its historic integrity. The advantages of maintaining a building's historic integrity are that a tax credit can be granted, national recognition is given in myriad printed and website references as self-generated publicity, and it becomes a tourist destination noted nationwide for its cultural and historic nature.

Mr. Fink asked if the building were to be taken off the national register could it be placed back onto the register if the required historical aspects were to be replaced in the future. Ms. Meidinger stated that it would be possible to recover its historical status if its integrity were to be recaptured. It would not be easy to do, and there is no guarantee that it could be returned to the register since there would be a loss of original aspects and materials.

Ms. Meidinger stated that anything listed in the register is formally designated as historically significant by the National Parks Service through the United States Department of the Interior.

Mr. Huber asked if the lattice on the windows was a part of the original building. Mr. Nairn stated that some openings on the west side, which was originally the warehouse portion of the building, did not have the lattice work. Ms. Meidinger stated that the east and west sides were open bays but all the other windows presented the lattice pattern. Mr. Christianson stated that when the remodeling occurred that even the side bays had lattice work, once the windows were installed.

Mr. Walth stated that Authority members have a city ordinance to follow and reminded Authority members of the binding status of their previous approval. He stated that this new request is a major change which will change the look of the building and of the area. Chair Walth stated that he thought it was unfortunate that some sort of lattice could not be constructed with new windows. Mr. Zimmerman stated that it is possible but that it costs \$125,000 since there are 31 window and 9 doors.

Mr. Whittey stated that he met with Ms. Smith and they, as technical advisors to the Authority, agreed that what gives the building its character lies in style and architecture. He stated that the character of the windows are what informed his original precise question about the half-moon windows at the April Renaissance Zone Authority meeting, and he was told at the presentation by the applicant that nothing was going to be done to them. Mr. Whittey reminded Authority members that they have a duty to adhere to the ordinance which states that they have a responsibility to maintain the historical integrity of historically significant buildings. Mr. Whittey stated that the depot is one of the few character buildings remaining and is the city's showpiece. He stated that it was Authority members' responsibility to enforce the ordinance and that the Renaissance Zone Authority has few capabilities but to follow through with enforcing the ordinance. Mr. Whittey stated that the applicant always has the ability to appear before the City Commission with any alterations for the approved project.

Mr. Keiser joined Renaissance Zone Authority members at this time.

Mr. Christianson asked what the applicant is asking to be approved. Mr. Zimmerman stated that he is asking to replace all the windows, but the replace the oldest windows first, starting with the west side and then move to the east side. He stated that he wants to create a cohesive building where all materials and colors are cohesive. Mr. Christianson looked at the rendering Mr. Zimmerman stated should have been the original application image and asked if the knee wall was going to be replaced as shown in that image. Mr. Zimmerman said that it is not his intention to replace the knee walls.

Mr. Fink stated that the building is a significant building within Bismarck and it is historically significant and has been registered as such. Mr. Fink stated that the Authority is bound by the Bismarck Code of Ordinances and the Design Review Guidelines and therefore if Mr. Zimmerman's request requires the Authority to overlook the code he would be better served to appeal directly to the City Commission. Mr. Fink stated that he has no interest in standing in the way of any business but that the Authority is limited by its ordinances.

Mr. Zimmerman asked if Authority members realize that the windows already approved, the doors, have no historical significance whatsoever. Mr. Fink stated that the doors are not the issue regarding historical significance, but rather the removal of the lattice is removing the historical nature of the building. Mr. Fink stated that he does not want to stand in the way of a business trying to get something done, and stated that for himself he feels his hands are tied, that what is sitting in front of him is the ordinance.

Ms. Hertzog stated that she thought the ordinance allowed for different interpretation regarding style and wondered how legally defensible is the direction the motion is taking. She stated that Mr. Zimmerman was generally keeping the same openings. She continued to state that to not have this project continue due to lattice makes here sick to her stomach and she thought the Authority needed to see the forest through the trees. She did not want to see more projects go unconstructed due to the prohibitive costs of maintaining the historical integrity due to colors and lattices of buildings.

Mr. Van Orman supplemented Ms. Herzog's question by asking if there is a grey area regarding what the ordinance requires. Mr. Whittey stated that he and Ms. Smith both determined through the direction of the ordinance, which he stated is in fact clear, that the historical integrity of historically significant buildings are to be maintained. He stated that the lattice work is important to the historical character of the building and if you change that style you change the building. Ms. Smith agreed and stated that the size, shape, portion and style are what gives the building its character. Mr. Whittey stated that it is unfortunate, that he gets it, that he is a businessman, but to say that the lattice does not have to remain is to say that you do not want an historic building in your downtown, which the ordinance clearly states should be maintained. Mr. Whittey stated that it is unfortunate that the design technique which makes this building unique is also cost-prohibitive.

Mr. Van Orman stated that he also would like to see the project go forward, but echoed Mr. Fink's concern that the Authority does not have the opportunity to ignore the clearly-stated guidelines they are empowered to maintain.

**MOTION:** A motion was made by Mr. Fink and seconded by Mr. Van Orman to deny the request to amend the approved design to eliminate the existing historically-characteristic lattice pattern from the windows, provided a change of material from wood to metal would be acceptable. The motion passed unanimously with members Christianson, Fink, Huber, Keiser, Van Orman and Chairman Walth voting in favor.

## **RENAISSANCE ZONE AUTHORITY**

### **401 EAST BROADWAY AVENUE, ADVANCED SKIN SUPPORT, LLC – LEASE**

Mr. Nairn stated that Advanced Skin Support, LLC requests approval of a lease Renaissance Zone designation within 401 East Broadway Avenue. The company is doing business as "The Rejuvenation Center," and the site will be a multifaceted medspa, skincare store, and training facility. The business would occupy both the ground floor and lower level, for a total of 6,083 square feet, of the recently rehabilitated Cowan Building.

Mr. Nairn stated that the business would qualify as a new business being located within the Renaissance Zone and that the lease is within the space of an approved Renaissance Zone project. Project 94-B was designated by the Bismarck City Commission as a Renaissance Zone rehabilitation project on November 27, 2012, and subsequently tentatively approved by the North Dakota Department of Community Services. Therefore, Mr. Nairn stated that no minimum investment is required and stated that the applicant stated that the total project costs will be \$300,000.

Mr. Nairn stated that it should be noted that the original rehabilitation project has not been completed, and the property owners are not currently receiving any property or income tax exemption. Mr. Tomanek raised the issue of the delay in completion during the February 16, 2016 Renaissance Zone project. At that time the property owner intended to wait until tenants



were selected before closing, because the final finishes would be built to suit. Staff has recently contacted the property owner, and the owner intends to submit the necessary documentation to close the project within the next few months.

Mr. Nairn stated that based on the findings contained in the staff report, staff recommends approval of the designation of the space for Advanced Skin Care, LLC within 401 East Broadway Avenue as a Renaissance Zone lease project for a tax exemption on income derived from the business location for five years beginning with the date of completion.

Chairman Walth opened the public hearing.

There being no comments, Chairman Walth closed the public hearing.

There was considerable conversation about the undesirable position for Authority members if approving a lease without first receiving a formal inspection of the larger structure. Chairman Walth stated a concern that if the Renaissance Zone Authority were to approve a lease project that there should be some greater assurance that inspections have been made for the greater building. Several Authority members agreed that this case, dependent upon past actions, should perhaps be approved, but that a revision in the Renaissance Zone Authority Guidelines regarding building conditions for a lease project should be passed. Mr. Nairn stated that structural inspections are involved with this request in a limited way. It was determined that this concern should be discussed in a later discussion in this meeting.

Ms. Lee stated that the owners have made the required investment and they are paying the taxes on the new value but the project remains open.

Mr. Nairn stated that the time limit on keeping a Renaissance Zone Authority project open is two years but at the Authority's discretion, as Mr. Tomanek formerly had brought this issue to the Authority's attention in early 2016 but members agreed to wait for the owner to have leasees in the building. Mr. Nairn stated that the owner has been encouraged to close the project as soon as possible.

Mr. Fink asked at what time taxes are assessed. Ms. Johnson stated that every February a re-evaluation occurs. Owners pay both land and property tax until a project is closed. Mr. Fink surmised that the reason an owner might choose to delay closing a project is the potential that leasees' occupying the building at a later date would garner a higher tax value and would, therefore, allow owners to take advantage of the higher tax deferment. Mr. Fink suggested that Authority members should perhaps evaluate the potential for inappropriate allowances regarding the time permitted to wait to close projects over the established two-year period. Mr. Keiser stated that that should be addressed in the lease agreement with the owner.

**MOTION:** A motion was made by Mr. Keiser and seconded by Mr. Fink to approve the designation of 401 East Broadway Avenue as a lease project for Advanced Skin Support, LLC for a tax exemption on income derived from the business location for five years beginning with the date of completion, with the

condition that the project generally conforms to the project description submitted with the application. The motion passed unanimously with members Christianson, Fink, Huber, Keiser, Van Orman and Chairman Walth voting in favor.

## **RENAISSANCE ZONE AUTHORITY**

### **210 EAST MAIN AVENUE, BUTTERHORN RESTAURANT – LEASE**

Mr. Nairn stated that Shane Cornelius of Butterhorn Restaurant, requests approval of a lease Renaissance Zone designation within 210 East Main Avenue. The restaurant would occupy the entire building, both the ground floor and lower level of the building. The business would qualify as a new business being located within the Renaissance Zone. The façade of this building has recently been renovated. The property owner, Jerry Anderson, was awarded a CORE Façade Improvement Grant on December 29, 2016, and the construction of the improvements occurred over the following months. The tenant does not intend to alter the exterior in any way, other than the installation of a wall sign for the business. Because this lease is not within a previously approved Renaissance Zone project, it is subject to a minimum investment of \$30 per square foot, according to the Renaissance Zone Development Plan. For the 3,800 square feet of lease space, this amounts to a minimum investment of \$114,000. The applicant has stated an estimated project cost of \$860,000, most of which would be counted as capital improvements.

Mr. Nairn continued to state that Butterhorn Restaurant intends to open for business in November of 2017. The lease has already been signed and the final build-out of the space is already underway. The State requires that the lease project is approved prior to occupation by the business, not necessarily prior to signing the lease or starting improvements. Mr. Nairn stated that, historically, the Renaissance Zone Authority has not allowed any costs incurred prior to tentative approval by the State to count toward the minimum threshold. Because the applicant intends to spend well in excess of the required amount, it can be expected that the threshold would be met. Staff will have to verify documentation.

Mr. Nairn stated that based on the findings contained in the staff report staff recommends approval of the designation of the space for Butterhorn Restaurant within 210 East Main Avenue as a Renaissance Zone lease project for a tax exemption on income derived from the business location for five years beginning with the date of completion, with the following conditions:

1. A minimum threshold of \$114,000 in capital improvement investment must be made, and any improvements completed prior to tentative approval by the State cannot be included within the allowable investment.
2. The project generally conforms to the project description submitted with the application.

Continuing the dialog begun in the previous discussion about a building's structural integrity when reviewing Renaissance Zone Authority lease projects Mr. Huber and Mr. Christianson voiced concerns about the integrity of the building's roof. Mr. Blaskowski stated that inspections are not made if no permit is requested, and also stated that no permit for this location had yet been issued. Mr. Blaskowski stated that structural assessment may be required if, for example, rooftop equipment is added, but this is determined on a case by case basis.

Mr. Fink asked if a building inspection is part of the owner's process. Mr. Cornelius stated that his general contractor should be able to provide a report.

In response to Mr. Fink's concern over items on the expense list, Mr. Nairn stated that capital expenses are understood to be improvements made to the building which would stay with the building and cannot be transferred to another location if the owner or leasee were to relocate. In that case, Mr. Nairn continued, specialized equipment would typically not count unless Authority members choose to include those items.

Chair Walth requested that staff suggest a procedure to notify Authority members that a building involving a Renaissance Zone Authority lease approval is structurally sound. Mr. Fink requested that Mr. Cornelius please forward an inspection report to staff to be distributed to Authority members, even if not required.

**MOTION:** A motion was made by Mr. Christianson and seconded by Mr. Van Orman to approve the designation of 210 East Main Avenue as a lease project for Butterhorn restaurant for a tax exemption on income derived from the business location for five years beginning with the date of completion, with the condition that a minimum threshold of \$114,000 in capital improvement investment must be made, and any improvements completed prior to tentative approval by the State cannot be included within the allowable investment period, and that the project generally conforms to the project description submitted with the application. The motion passed with members Christianson, Huber, Van Orman and Chairman Walth voting in favor and members Fink and Keiser voting against.

## **DOWNTOWN DESIGN REVIEW**

### **210 EAST MAIN AVENUE, BUTTERHORN RESTAURANT – SIGNAGE**

Mr. Nairn stated that Shane Cornelius of Butterhorn Restaurant, is requesting Downtown Design Review approval for a wall sign for the restaurant, Butterhorn, to be installed on the front façade of 210 East Main Avenue. The sign will have raised letters placed above the storefront with reverse-lit LED lighting. The lettering will protrude slightly more than 3 inches from the surface of the wall, which complies with the requirement to use extruded letters. The total area of the sign is approximately 40 square feet. Based on a street frontage of 25 feet, the maximum allowable signage on the lot is 62.5 square feet.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends approval of proposed sign design as presented in all submitted documents and materials for the building at 210 East Main Avenue with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

Chair Walth stated that Authority members can really feel good about what is happening on that whole block.

**MOTION:** A motion was made by Mr. Christianson and seconded by Mr. Fink to approve the proposed sign design for the building at 210 East Main Avenue with the condition that any substantive design changes be approved by the Renaissance Zone Authority, acting as the Downtown Design Review Committee, prior to implementation. The motion passed unanimously with members Christianson, Fink, Huber, Keiser, Van Orman and Chairman Walth voting in favor.

#### **214 and 216 EAST MAIN AVENUE, STELLA'S DÉCOR AND BLACK TIE OPTIONAL – SIGNAGE**

Mr. Hutchings stated that Volk Tire, LLC at 214 and 216 East Main Avenue is requesting Downtown Design Review approval for four non-illuminated signs to be installed on the front façade of 214 and 216 East Main Avenue. These signs are proposed for Stella's Décor and Black Tie Optional. These two businesses occupy two-thirds of the front building façade and would be allowed a total of 83.25 square feet of allowable sign area. The combined area of all four proposed signs is 24.5 feet. Mr. Hutchings stated that the proposed projecting signs provide 8.5 feet of clear space below the sign to grade level and are within the allowable projection distance from the face of the building. These signs' lettering will be dimensional in nature and will meet all requirements. Mr. Hutchings explained that, per Section 04-04-09 (6) of the City Code of Ordinances, the applicant will be required to obtain an encroachment agreement for the projecting signs to extend into the public right of way. The proposed wall signs are dimensional in nature and will protrude one inch from the base surface of the sign.

Mr. Hutchings stated that based on the findings contained in the staff report staff recommends approval of the proposed design as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

**MOTION:** A motion was made by Mr. Huber and seconded by Mr. Van Orman to approve the proposed sign designs for the building containing both 214 and 216 East Main Avenue with the condition that any substantive design changes be approved by the Renaissance Zone Authority, acting as the Downtown Design Review Committee, prior to implementation. The motion passed unanimously with members Christianson, Fink, Huber, Keiser, Van Orman and Chairman Walth voting in favor.

## **OTHER BUSINESS**

### **REQUEST FOR CLOSURE OF UNITED PRINTING RENAISSANCE ZONE PROJECT**

Chairman Walth stated that he has a conflict of interest as representative of the bank financing the project and recused himself. Mr. Christianson asked if Authority members could request that Chair Walth remain in the process. Mr. Whitman stated that since the decision does not affect him financially, that there is no direct pecuniary interest in the decision and this would likely not be a conflict, especially considering the fact that this action is a closing, not an approval of a project. Mr. Huber motioned to keep Chair Walth in the discussion and decision and Mr. Fink seconded and by voice vote all remaining members voted unanimously to keep Chair Walth as a deciding member for this decision.

Mr. Nairn stated that Arikota, LP, the property owner of the United Printing building at 200 South 1<sup>st</sup> Street, requested the closure of a new construction Renaissance Zone project and initiation of the five-year property and income tax exemption period. The United Printing site was designated as a new construction Renaissance Zone project by the City Commission on September 18, 2013. The Commission approval included the following conditions:

1. The project generally conforms to the project description, site plan and conceptual images submitted with the application.
2. All the necessary building and other required permits are obtained prior to commencement of the project.
3. All the required landscaping and street trees be included with the project.

Mr. Nairn continued to state that the construction of the building was completed in 2014. The required documentation to close out the project was submitted to Planner Jason Tomanek in early 2016. At the time, staff made the determination that the landscaping was not installed according to the approved plan or the minimum required plant units as defined by the Landscaping and Screening Ordinance, Section 14-03-11(8) of the City Code of Ordinances. This issue was brought to the Renaissance Zone Authority in March of 2016, and it was agreed to refrain from closing out the project until landscaping requirements were met.

Mr. Nairn stated that over the last year, Planning and Forestry staff have meet with the applicant on site on several occasions to discuss measures necessary to comply with the landscape plan. Some additional landscaping has been installed, but Planning and Forestry

staff note several instances where the approved plan has not yet been met. The applicant requests a hearing with the Renaissance Zone Authority to request closing out the project.

Mr. Hutchings stated that permanent parking landscaping has not been installed along South 1<sup>st</sup> Street at the exit of the two accessory buildings in accordance to the approved plan. Instead, the concrete joins the sidewalk without any landscape buffer, which was part of the approved plan.

Mr. Hutchings stated that in addition, on the delivery side of the building, there were supposed to be two interior parking landscape islands intended to break up the extensive concrete parking area which were not installed. Perimeter parking lot landscaping was also not installed on either the north or south side of the lot in accordance with the approved plan. Mr. Hutchings stated that even though the owners have provided additional landscaping in certain areas which were not included in the approved plan, those plantings do not counter what is expected to be completed according to the approved plan.

Mr. Hutchings continued that along 2<sup>nd</sup> Street and Bowen Avenue there is also no perimeter parking lot landscaping installed, which was to be planted in accordance to the approved plan, but was grass-seeded. Continuing, Mr. Hutchings stated that only one of the two required parking landscapes was present on the east side of the building per the approved plan.

In addition, Mr. Hutchings stated that two interior parking lot landscape islands on the east and north side of the building were installed. On 2<sup>nd</sup> Street there is also an absence of perimeter parking lot landscaping. Mr. Hutchings stated that recently, 4 undersized bushes were planted along 2<sup>nd</sup> Street, however, 36 larger bushes were supposed to be planted in accordance to the approved plan.

Images of each of these descriptions were projected for Authority members to see.

Mr. Nairn stated that, since the grant is independent of these examples of non-compliance, Authority members do have the ability to close the project if they wish.

Mr. Olson stated that the project in its entirety cost \$8.2 million of which the building was 95% of the cost, while the landscaping made up the remaining 5% of the cost. He stated that the facility speaks for itself and that the intent of the investment has been met and it is time for a closure.

Mr. Whittey stated that it is not normally the intention for Authority members to ignore the accepted process for implementing approved plans for landscaping requirements. Mr. Whittey did not see an acceptable hardship in the plan approved according to the landscape ordinance. Mr. Whittey did not see why a government benefit should be awarded to an entity which did not fulfill the ordinance requirements.

Mr. Huber agreed and pointed out that the project is now in its fourth year even though there is a two-year limit, according to the development plan, to close projects. Mr. Huber stated

that at some point an entity either complies with the rules or the project is closed without giving the benefit.

Ms. Lee stated that in two cases Authority members did not permit program benefits due to non-compliance with approved landscaping plans, which were out of compliance for much smaller construction projects and far fewer issues.

Mr. Fink asked if there was some specific hardship behind the owner's request. Mr. Olson stated that there was not any specific hardship except personal preference to how the landscaping should appear. He then stated that if they have to go another round with the City Forester so be it.

Mr. Hutchings stated that because many of the areas which were to be landscaped have been concreted over, the City Forester has met with the owners on several occasions to offer alternative acceptable plantings. Concessions were made to allow the use of planters due to the burdensome action of having to break up concrete.

Ms. Lee stated that the only Renaissance Zone project designation is on the larger eastern building. All of the area is under the landscaping ordinance, however.

Mr. Whittey stated that the objective is to screen the parking area. Ms. Smith agreed that the approved plan was simply not carried-through, but she focused on attempting to find agreement with the owner using what is currently present to resolve the issue and attempt to close the project so that the parking could be screened per ordinance.

**MOTION:** A motion was made by Mr. Huber and seconded by Mr. Keiser to deny the request to close the United Printing Renaissance Zone project at 200 South 1<sup>st</sup> Street until the project complies with landscaping requirements, granting the City Forester authority to amend the approved landscape plan, with the understanding that all requirements to close the project must be met by June 1, 2018. The motion passed with members Christianson, Huber, Keiser, Van Orman and Chairman Walth voting in favor and member Fink voting against.

## **REVIEW OF PUBLIC HEARING PROCEDURE AND PROTOCOL AND BYLAWS**

Chairman Walth continued the discussion until next meeting.

## **ADJOURNMENT**

There being no further business, Chairman Walth adjourned the meeting of the Bismarck Renaissance Zone Authority at 5:18 p.m.

Respectfully Submitted,

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Sandra Bogaczyk  
Recording Secretary

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Curt Walth  
Chairman

DRAFT





## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 2

October 12, 2017

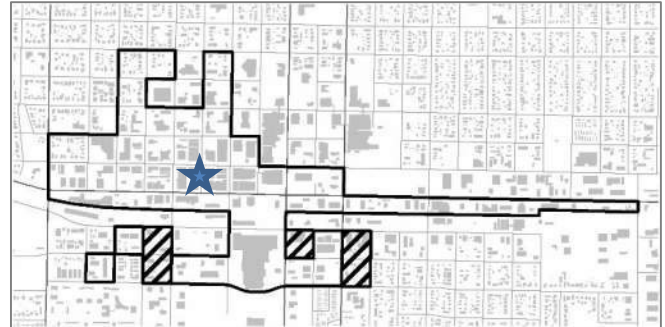
**Application for: Renaissance Zone  
Downtown Design Review**

TRAKiT Project ID: RZ2017-016

DDR2017-017

### Project Summary

<i>Title:</i>	Former Mathison's Building
<i>Project Type:</i>	Purchase with Major Improvements
<i>Status:</i>	Renaissance Zone Authority
<i>Applicant(s)</i>	Rolf Eggers
<i>Owner(s):</i>	TIC Investments
<i>Project Description:</i>	Purchase and improve building for future lease for retail/restaurant use



*Street Address:* 112 North 4<sup>th</sup> Street

*Legal Description:* Lot 6, Block 50, Original Plat

*RZ Block #* 19

### Project Information

<i>Parcel Size (square feet):</i>	3,500	<i>Building Floor Area (square feet):</i>	2,240	<i>Certificate of Good Standing:</i>	Received
<i>Assessed Building Value:</i>	\$220,400	<i>Proposed Investment:</i>	>\$127,700	<i>Estimated Value with Investment:</i>	\$350,000
<i>Estimated 2016 Property Taxes:</i>	\$2,707	<i>Estimated Property Tax Benefit:</i>	\$20,000	<i>Estimated Income Tax Benefit:</i>	TBD. No tenant identified

### Staff Analysis

#### Renaissance Zone Project

The applicant, Rolf Eggers, requests a purchase with improvement Renaissance Zone designation for the building at 112 North 4<sup>th</sup> Street. The building was the former site for the Mathison's printing company, and the owner will be seeking a new retail or restaurant tenant after purchase and rehabilitation.

In order to qualify for a 100% property tax exemption, at least 50% of the assessed building value must be invested in the improvements. The 2016 assessed building value is \$220,000, so a total

investment of \$110,000 will be required. The applicant states that the investment will exceed \$127,700, which meets the requirements. The Development Plan does not include any required investment per square footage.

A purchase with improvements project must be tentatively approved by the State prior to the transfer of the property. The applicant intends to finalize the purchase and begin rehabilitation work in November. The exterior cladding on the front façade has already been removed.

The Burleigh County Auditor has indicated that there are delinquent property taxes on this property. All past

(continued)

taxes must be paid in full prior to finalization of the project, in order to be eligible for Renaissance Zone.

#### *Downtown Design Review Project*

The improvements to the façade require Downtown Design Review approval, irrespective of participation in the Renaissance Zone program.

The proposed renovations are consistent with 14-04-21.1 (4) DC Downtown Core District – Design Standards as well as the 2015 Downtown Design Guidelines for building renovations and additions.

Although the building was constructed in 1898, it is not listed as a contributing structure to the Downtown Historic District because of the extensive exterior alterations that had been made by the time the Downtown Historic District study was conducted. The proposed improvements would return historically appropriate characteristics as part of the proposed project.

The applicant has supplied the following project description:

*“The improvements to the property are focused on the renovation of the existing storefront, repair of the existing south stucco wall and the renovation of the interior space for tenant use.*

*The modifications to the existing storefront involve removing existing metal panels, signage, a metal awning and brick infill of the original clerestory window. The existing brick will be cleaned to remove paint, a new metal awning/canopy will be added, new clerestory window installed and new storefront window installed to replace the existing.*

*The existing south and west stucco walls have areas of water damage that will be repaired, as well as addressing the sources of the water infiltration. The entire stucco walls will be refinished in these areas. The interior space will be renovated to fit tenant needs. The existing framing and ceilings will be removed, showcasing the original open wood trusses and high ceiling. New tenant fit out will be built per tenant needs.”*



Some exterior demolition work has begun on this building. The metal panel façade and metal awning has been removed at the time this staff report was prepared (see picture above).

The architect for this project indicated that a steel beam was installed in the transom area at some time to support bricks that were infilled above the glass entrance façade during early renovations. The non-original bricks will be removed and replaced with transom windows, but the steel beam will remain. This beam will be dressed with an aluminum band to match the proposed new storefront and transom windows. Both the new storefront and transom windows will be in character with recent renovations in downtown.

The exterior concept for the proposed renovations indicate signage on the front façade and the on the face of the wall adjacent to the alley. Downtown Design Review approval is not being requested for any signs at this time.

#### **Required Findings of Fact**

##### *Renaissance Zone*

1. The proposed project is consistent with the goals and objectives of the City's Renaissance Zone Development Plan.
2. Exterior rehabilitation is sufficient to eliminate any and all deteriorated conditions visible on the exterior of the building.

(continued)

3. The proposed project meets the relevant minimum project eligibility criteria for the City of Bismarck Renaissance Zone program, as shown in the attached scoring sheet.

#### *Downtown Design Review*

1. The proposed design conforms to Sections 4-04-09, 14-04-21.1, and 14-04-21.2 of the Bismarck Code of Ordinances, relating to Design Standards within the DC – Downtown Core and DF – Downtown Fringe zoning districts;
2. The proposed design generally conforms to the purpose and intent of the 2015 Downtown Design Guidelines, and other relevant plans and policies; and
3. The project would meet all applicable building code and zoning requirements.

#### **Staff Recommendation**

Based on the above findings, staff recommends approval of the designation of the building at 112 North 4<sup>th</sup> Street as a Purchase with Major

Improvements Renaissance Zone project for a five-year 100% exemption of property tax and state income tax derived from the property, on the condition that any delinquent property taxes are paid prior to finalization of the project.

Staff recommends approval of the proposed design as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design, including a final sign design, must be reconsidered by the Downtown Design Review Committee prior to implementation.

#### **Attachments**

1. Renaissance Zone Criteria Scoring Sheet
2. Location Map
3. Exterior Condition Assessment Form
4. Proposed Changes and Exterior Concept

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*Staff report prepared by:* Daniel Nairn, AICP, Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

Will Hutchings, Planner  
701-355-1850 | [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov)

## Renaissance Zone Criteria Project Scoring Sheet

<b>Title:</b>	Former Mathison's Building	<b>Current Valuation:</b>	\$220,000
<b>Project Type:</b>	Purchase with Improvements	<b>Proposed Capital Investment:</b>	>\$127,700

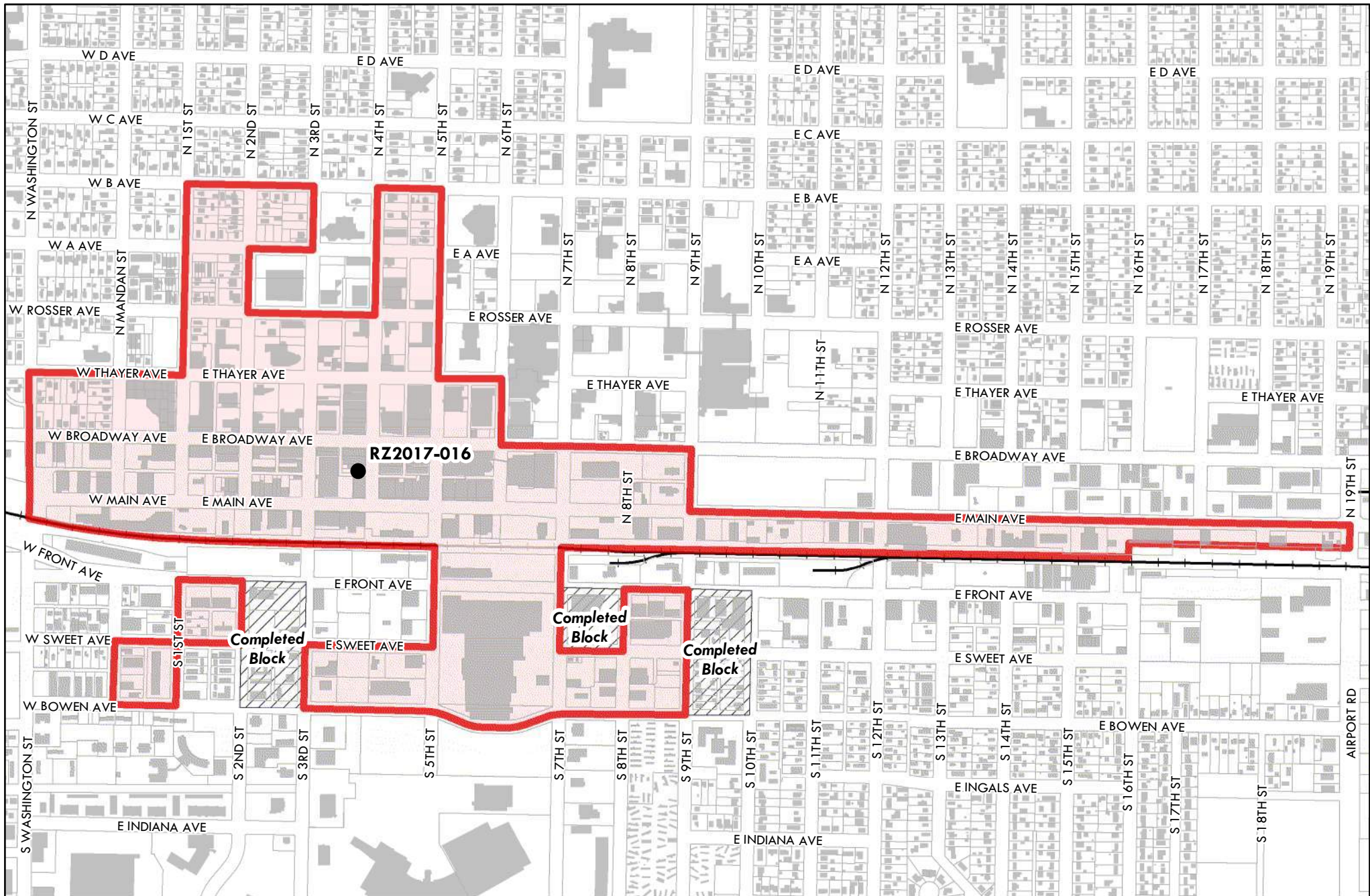
Minimum Criteria for Proposals Involving Rehabilitation:		Requirement Met
1	Proposal is in the City of Bismarck Renaissance Zone and not within a block that has been deemed completed	Yes
2	The parcel has not received Renaissance Zone funding in the past for the project type proposed.	Yes
3	Exterior rehabilitation is sufficient to eliminate any and all deteriorated conditions visible on the exterior of the building.	Yes
4	Project consistent with the Renaissance Zone Development Plan, specifically:  <b>A1:</b> Maintain the Zone as a mixed-use area accommodating a wide range of retail, governmental, service and residential functions.  <b>A2:</b> Promote continued support for redevelopment activities in the Zone.  <b>A3:</b> Promote and advocate activities and programs that meet the needs of varied age, interest, and socioeconomic groups at all times of the day and night and throughout the year.  <b>D1:</b> Reinforce emerging entertainment, medical, office/service and retail districts with compatible land uses.  <b>D2:</b> Concentrate redevelopment in the Zone.	Yes
5	A level of re-investment totaling not less than fifty percent (50%) of the current true and full valuation of the building for commercial properties	Yes

Project Review Guidelines - Required:		Possible Points	Staff Rating
1	High Priority Land Use <ul style="list-style-type: none"> <li>Primary sector business</li> <li>Active commercial, specialty retail and/or destination commercial</li> <li>Mixed use development</li> <li>Residential units, including single or multi-family units</li> </ul>	25	15
2	Capital Investment <ul style="list-style-type: none"> <li>Consideration for level of capital investment (either by owner or lessee)</li> </ul>	25	20
3	Targeted Area <ul style="list-style-type: none"> <li>Parcels that have been vacant or underutilized for an extended period</li> <li>Parcels specifically targeted for clearance</li> </ul>	25	15
4	Relocation (vs. New or Expanding Business) <ul style="list-style-type: none"> <li>Relocation from within the downtown area (may not be eligible)</li> <li>Relocation from a community outside Bismarck area (may not be eligible)</li> <li>Maintaining existing business in the downtown area or expanding business</li> </ul>	25	20
<b>Subtotal</b>		<b>100</b>	<b>70</b>

Project Review Guidelines – Optional:			
1	Public Space/Design <ul style="list-style-type: none"> <li>Incorporation of civic or public spaces</li> <li>Demonstrated commitment to strengthen pedestrian connections</li> <li>Attention to streetscape amenities and landscaping</li> <li>Attention to design and visual appearance</li> </ul>	10	0
2	Historic Preservation and Renovation <ul style="list-style-type: none"> <li>Within the downtown historic district</li> <li>Contributing or non-contributing</li> <li>Historic preservation component</li> </ul>	10	10
<b>Subtotal</b>		<b>20</b>	<b>10</b>
<b>TOTAL</b>		<b>120</b>	<b>80</b>



# Renaissance Zone Program - Project Location Map



# Building Exterior Condition Assessment

## Condition of brick and other materials:

THE EXISTING BRICK STOREFRONT HAS BEEN COVERED BY EITHER STUCCO OR METAL PANEL. IT IS ASSUMED THAT THE BRICK COVERED BY STUCCO WOULD BE SIGNIFICANTLY DAMAGED BY FASTENER/MORTAR, THAT BRICK IS NOT INTENDED TO BE UNCOVERED. THE EAST STREET FRONT BRICK HAS BEEN COVERED BY METAL PANEL AND PAINTED. THIS BRICK APPEARS TO BE IN GOOD SHAPE AND WILL BE UNCOVERED, AND REMOVED OF PAINT VIA SODA BLASTING. ANY UNUSED ANCHORS WILL BE REMOVED.

## Condition of the roof:

ROOF WAS RECENTLY REPLACE AND SHOWS NO SIGNS OF LEAKING. THE WALL CAP WILL BE REPLACED, AS THIS DOES NOT APPEAR TO BE SUFFICIENTLY KEEPING WATER OUT OF THE WALL ASSEMBLY.

## Condition of the windows:

WINDOWS ARE IN GOOD CONDITION, HOWEVER THESE WILL BE REPLACED AS PART OF THE OVERALL RENOVATION.

## Type of windows (single-pane, reflective, etc.)

SINGLE PANE, CLEAR.

## List the remaining elements from the original/historic design (if the building is historically significant)

BRICK, COVERED IN LAYERS OF DESIGN INTERVENTIONS.

## List the modified elements from the original/historic design (if the building is historically significant)

EXISTING CLERESTORY HAS BEEN INFILLED WITH BRICK AND STEEL, THE DOOR HAS BEEN MOVED FROM THE CENTER OF THE FACADE TO THE NORTH END. THE BRICK HAS BEEN COVERED WITH METAL PANEL AND STUCCO.

## Have any of the original windows been removed or covered up?

YES, CLERESTORY REMOVED AND INFILLED WITH BRICK, AND INFILLED WITH STUD FRAMING/STUCCO.

## Is there EIFS/Dry-Vit as an existing exterior building material?

NO. TECHNICALLY IT IS STUCCO, BUT MOST PEOPLE WOULDN'T KNOW THE DIFFERENCE FROM LOOKING AT IT.

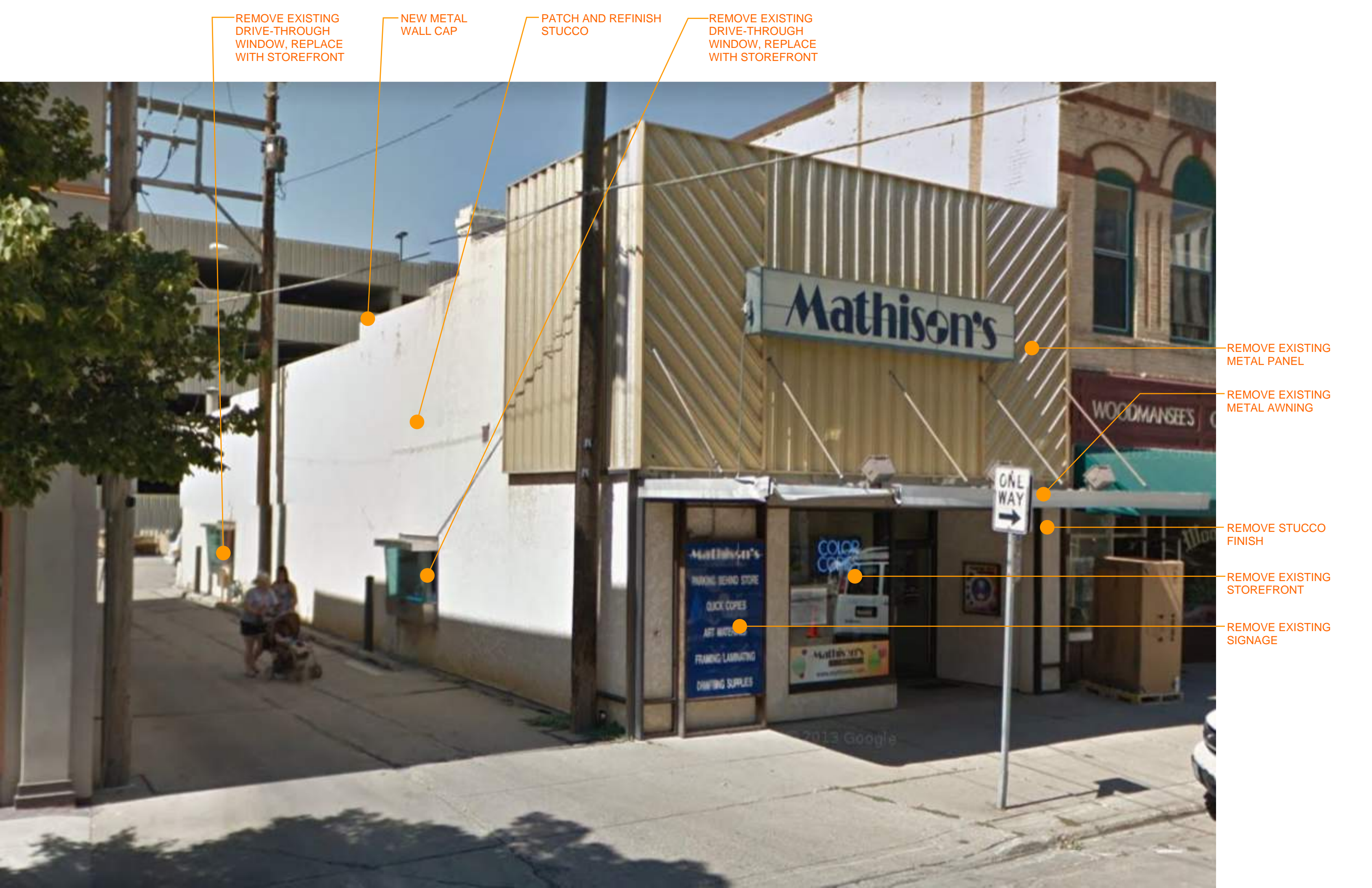
## Has any of the brick been painted?

YES. THE MAIN STOREFRONT BRICK HAS BEEN PAINTED AND COVERED IN METAL PANEL.

## List any visible signs of blight.

A FEW AREAS OF THE METAL PANEL HAVE BEEN DAMAGED AND THERE ARE SIGNS OF WATER INTRUSION AT THE STUCCO. THE METAL PANEL WILL BE REMOVED AND DESTROYED, NEVER TO BE USED ON A BUILDING AGAIN. THE STUCCO WILL BE REPAIRED, REFINISHED AND ALL KNOWN AREAS OF WATER INTRUSION WILL BE SEALED/CAPPED.





REMOVE EXISTING  
DRIVE-THROUGH  
WINDOW, REPLACE  
WITH STOREFRONT

NEW METAL  
WALL CAP

PATCH AND REFINISH  
STUCCO

REMOVE EXISTING  
DRIVE-THROUGH  
WINDOW, REPLACE  
WITH STOREFRONT

REMOVE EXISTING  
METAL PANEL

REMOVE EXISTING  
METAL AWNING

REMOVE STUCCO  
FINISH

REMOVE EXISTING  
STOREFRONT

REMOVE EXISTING  
SIGNAGE





EXTERIOR CONCEPT





## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 3

October 12, 2017


**Application for: Renaissance Zone**

**Renaissance Zone**

TRAKiT Project ID: RZ2017-018

RZ2017-009

### Project Summary

<b>Title:</b>	Boutique 23 (Lease) 701 Roots, LLC (Rehabilitation)	
<b>Project Type:</b>	Lease and Modified Rehabilitation	
<b>Status:</b>	Renaissance Zone Authority	
<b>Applicant(s)</b>	Rod Jacobs, Boutique 23 Doug Ness, 701 Roots LLC	
<b>Owner(s):</b>	701 Roots, LLC	
<b>Project Description:</b>	Upgrade interior of space for a boutique clothing store	<b>Street Address:</b> 102 West Main Avenue
		<b>Legal Description:</b> Lot 1, Block 28 Original Plat
		<b>RZ Block #</b> 1D

### Project Information

<b>Parcel Size (square feet):</b>	21,495	<b>Building Floor Area (square feet):</b>	15,312	<b>Estimated Property Tax Benefit:</b>	N/A for Lease
<b>Lease Area (square feet):</b>	4,000	<b>Certificate of Good Standing:</b>	Pending	<b>Estimated Income Tax Benefit:</b>	\$400,000

### Staff Analysis



Site of Boutique 23 on east end of 201 West Main Ave.

The applicant, Rod Jacobs, is requesting designation of a Renaissance Zone lease project for a space within the building at 201 West Main Avenue for the creation of a clothing store called Boutique 23.

The space is within a building previously approved as a Renaissance Zone rehabilitation project, and construction work is underway for this project. The approved rehabilitation project only included the western portion of the building, with a 39% property tax exemption, with the option to increase the percentage if the project is expanded. The property owner is requesting an expansion of this rehabilitation project in conjunction with the request for a lease. A diagram is attached showing proposed uses of portions of the building.

(continued)

The total project cost estimate for the portion of the building to be leased to Boutique 23 is approximately \$50,000. This includes asbestos abatement, moving interior walls, upgrades to the heating and electrical systems, and ceiling improvements.

The Renaissance Zone Development Plan does not require any investment for leases within a previously approved Renaissance Zone project. However, this is a unique situation because of the approved scope of the underlying rehabilitation project. The level of investment proposed for just the lease space does not meet the minimum requirement of \$30 per square foot. However, if the building is considered as a whole, the level of investment made on the whole building of \$650,000 does meet the minimum threshold for a rehabilitation project.

The Tenant has completed a structural assessment from CW Structural. The report revealed the need for improvements, such as a near header, that are included in the scope of work for the project.

The space in between the two uses will remain vacant until a potential future use is identified. However, the replacement of the front façade of this space is included in the original rehabilitation project. Because this space is being rehabilitated to some degree, and the applicant meets the minimum investment thresholds for the entire building, including this space, staff recommends including this space in the previously approved project with an increased property tax exemption.

There are minor blemishes on the exterior of the east building that should be remediated before the rehabilitation project is completed. The old Main Street Tire sign is still hanging on the east face, and there is some damage to the stucco near the parking area. There are also holes and unused brackets on the front façade that should be fixed or covered with signage.

Boutique 23 already has a store in Linton, ND and this project would be an expansion into downtown Bismarck.

There are no additional exterior improvements proposed at this time, and therefore no Downtown Design Review approval is request. Any signs or other possible improvements will be proposed at a later date.

### **Required Findings of Fact**

1. The proposed project is consistent with the goals and objectives of the City's Renaissance Zone Development Plan.
2. The proposed project meets the relevant minimum project eligibility criteria for the City of Bismarck Renaissance Zone program, as shown in the attached scoring sheet.

### **Staff Recommendation**

Based on the above findings, staff recommends expanding the scope of the rehabilitation project for 701 Roots, LLC to allow a 100% property tax exemption on the property of 201 West Main Avenue, on the condition that all exterior blemishes on the building are remediated.

Based on the above findings, staff recommends approval of the designation of the space for Boutique 23 within 201 West Main Avenue as a Renaissance Zone lease project for a tax exemption on income derived from the business location for five years beginning with the date of completion.

### **Attachments**

1. Renaissance Zone Criteria Scoring Sheet
2. Location Map
3. Building Diagram

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Staff report prepared by: Daniel Nairn, AICP, Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

## Renaissance Zone Criteria Project Scoring Sheet

<b>Title:</b>	Boutique 23	<b>Current Valuation:</b>	N/A
<b>Project Type:</b>	Lease	<b>Proposed Capital Investment:</b>	\$50,000

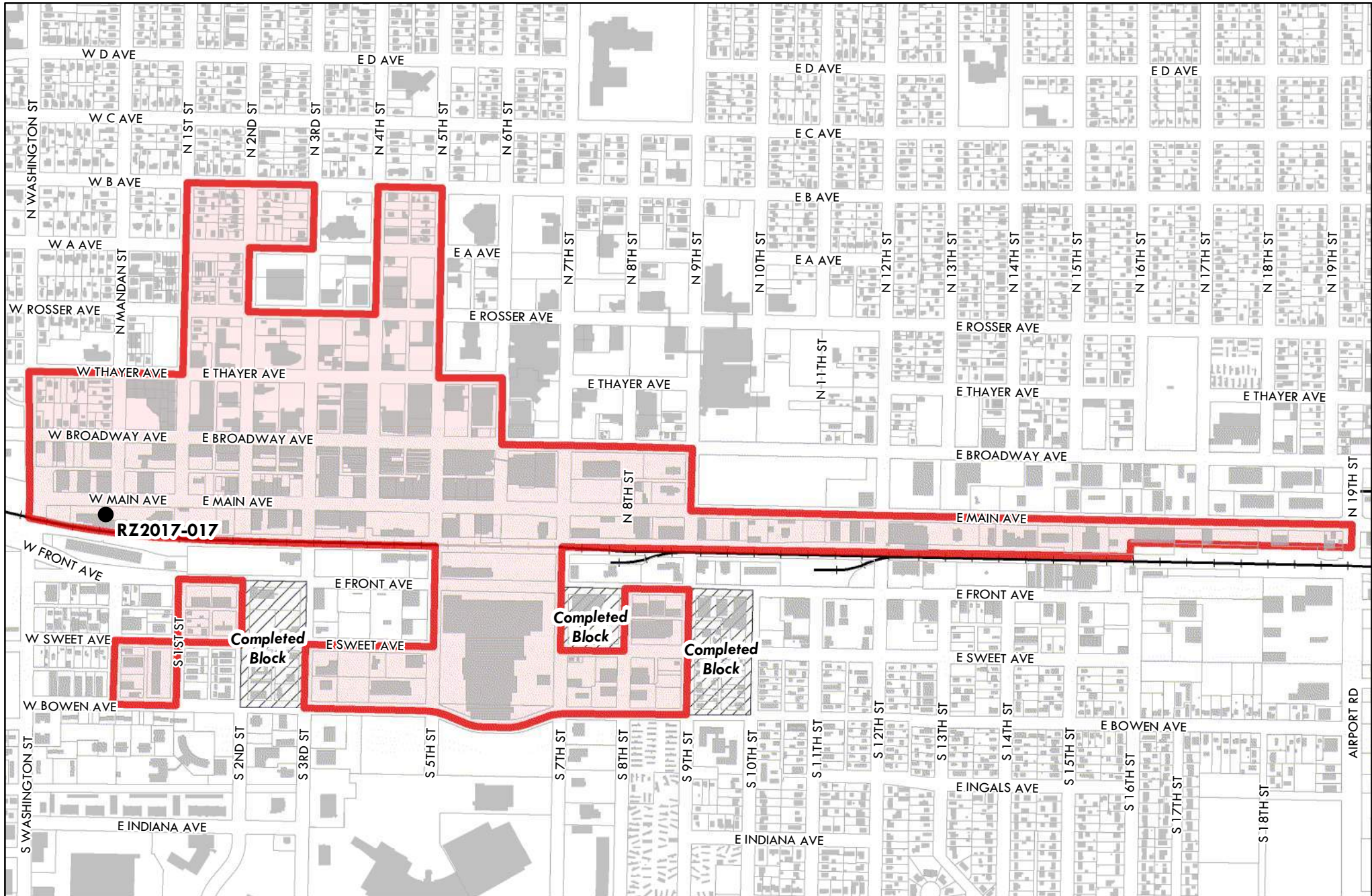
Minimum Criteria for Proposals Involving Rehabilitation:		Requirement Met
1	Proposal is in the City of Bismarck Renaissance Zone and not within a block that has been deemed completed	Yes
2	The lease space has not received Renaissance Zone funding in the past for the project type proposed (however, a lease of space within a building rehabilitated through a previous Renaissance Zone project may be eligible)	Yes
3	Project consistent with the Renaissance Zone Development Plan, specifically:  <b>A1:</b> Maintain the Zone as a mixed-use area accommodating a wide range of retail, governmental, service and residential functions.  <b>A2:</b> Promote continued support for redevelopment activities in the Zone.  <b>A3:</b> Promote and advocate activities and programs that meet the needs of varied age, interest, and socioeconomic groups at all times of the day and night and throughout the year.  <b>D1:</b> Reinforce emerging entertainment, medical, office/service and retail districts with compatible land uses.  <b>D2:</b> Concentrate redevelopment in the Zone.	Yes
4	New business, expanding business <u>or</u> continuation of lease	Yes
5	Within building rehabilitated as an approved Zone project <u>or</u> investment of at least \$30 per square foot in improvements	Yes

Project Review Guidelines - Required:		Possible Points	Staff Rating
1	High Priority Land Use <ul style="list-style-type: none"> <li>Primary sector business</li> <li>Active commercial, specialty retail and/or destination commercial</li> <li>Mixed use development</li> <li>Residential units, including single or multi-family units</li> </ul>	25	25
2	Capital Investment <ul style="list-style-type: none"> <li>Consideration for level of capital investment (either by owner or lessee)</li> </ul>	25	15
3	Targeted Area <ul style="list-style-type: none"> <li>Parcels that have been vacant or underutilized for an extended period</li> <li>Parcels specifically targeted for clearance</li> </ul>	25	25
4	Relocation (vs. New or Expanding Business) <ul style="list-style-type: none"> <li>Relocation from within the downtown area (may not be eligible)</li> <li>Relocation from a community outside Bismarck area (may not be eligible)</li> <li>Maintaining existing business in the downtown area or expanding business</li> </ul>	25	25
<b>Subtotal</b>		<b>100</b>	<b>90</b>

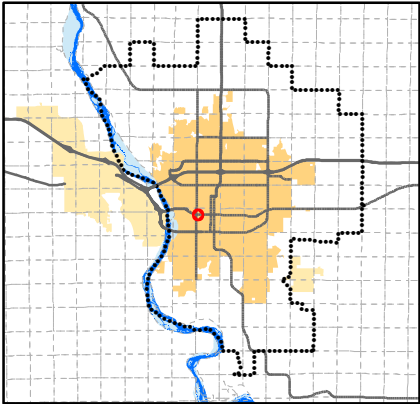
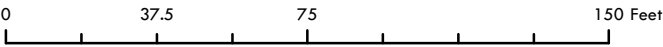
Project Review Guidelines – Optional:			
1	Public Space/Design <ul style="list-style-type: none"> <li>Incorporation of civic or public spaces</li> <li>Demonstrated commitment to strengthen pedestrian connections</li> <li>Attention to streetscape amenities and landscaping</li> <li>Attention to design and visual appearance</li> </ul>	10	0
2	Historic Preservation and Renovation <ul style="list-style-type: none"> <li>Within the downtown historic district</li> <li>Contributing or non-contributing</li> <li>Historic preservation component</li> </ul>	10	0
<b>Subtotal</b>		<b>20</b>	<b>0</b>
<b>TOTAL</b>		<b>120</b>	<b>90</b>



# Renaissance Zone Program - Project Location Map









## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 4

October 12, 2017

### Application for: Downtown Design Review

TRAKiT Project ID: DDR2017-016

#### Project Summary

Title:	SRSSM Building
Status:	Renaissance Zone Authority
Owner(s):	SRSSM Partnership
Project Contact:	Tim Miller, Missouri River Contracting
Location:	212 North 2 <sup>nd</sup> Street
Request:	Approve exterior renovations for existing office space.



#### Staff Analysis

The applicant is requesting Downtown Design Review approval for proposed renovations to an existing office space located in the DC – Downtown Core zoning district. This building has recently been purchased by the applicant. The property was most recently occupied by the American Lung Association – North Dakota. A future tenant has not yet been identified.

The building is a one-story mid-century office building with a flat roof that was built in 1956. It features a brick façade with vertical ribbons of lighter color bricks and glass blocks. The façade of the building is setback approximately 12 feet from the front property line. This setback matches the setback of the building located directly adjacent to the north. The finished floor elevation of this building is several feet above the sidewalk and is currently accessed only by stairs.

The exterior renovations submitted for Downtown Design Review approval by the applicant include several alterations to the front façade.

- Construction of an ADA ramp and new stairs;
- Removal of portion of the front brick and glass block façade;
- Installation of a new aluminum framed door and glazing;

- Installation of EIFS product with Dryvit finish; and
- Installation of manufactured stone veneer

Section 14-04-21.1(4)(g) of the City Code of Ordinances states that:

*Building materials shall be high-quality materials and compatible with those used for adjacent buildings. The following building materials are specifically prohibited from use as the primary exterior finish: unfinished, precast concrete block, vinyl or steel siding, rough sawn wood, or other materials typically found on residential dwellings.*

*All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.*

The proposed materials submitted with the application would be compatible in color and style to the existing building façade and the adjacent building to the north.

(continued)

EIFS with Dryvit and manufactured stone veneer are not prohibited, but also not encouraged. Staff encourages the Authority to review materials and make a determination that these proposed materials are acceptable.

Removal of the current brick façade and the proposed new door and glazing will provide more daylight into the building and increase the visibility of the front entrance.

The construction of the ADA ramp and new stairs will make this building more accessible to the sidewalk. A perpetual easement agreement has been submitted by the applicant to allow the ADA ramp to be located on a portion of the adjacent parcel located to the south, which is also owned by the applicant. The total size of the easement would be a distance of nine feet by four feet in width. This would require the removal of some existing perimeter parking lot landscaping however the proposed ramp would serve as a suitable screening device. Staff recommends that any approval includes a condition that the easement agreement is recorded prior to the issuance of a building permit.

#### **Required Findings of Fact**

1. The proposed design conforms to Sections 4-04-09, 14-04-21.1, and 14-04-21.2 of the

Bismarck Code of Ordinances, relating to Design Standards within the DC – Downtown Core and DF – Downtown Fringe zoning districts.

2. The proposed design generally conforms to the purpose and intent of the 2015 Downtown Design Guidelines, and other relevant plans and policies.

#### **Staff Recommendation**

Based on the above findings, staff recommends approval of the proposed design as presented in all submitted documents and materials, with the following conditions:

1. A legal means to allow the construction the of an ADA ramp on the adjoining property must be recorded prior to issuance of a building permit.
2. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

#### **Attachments**

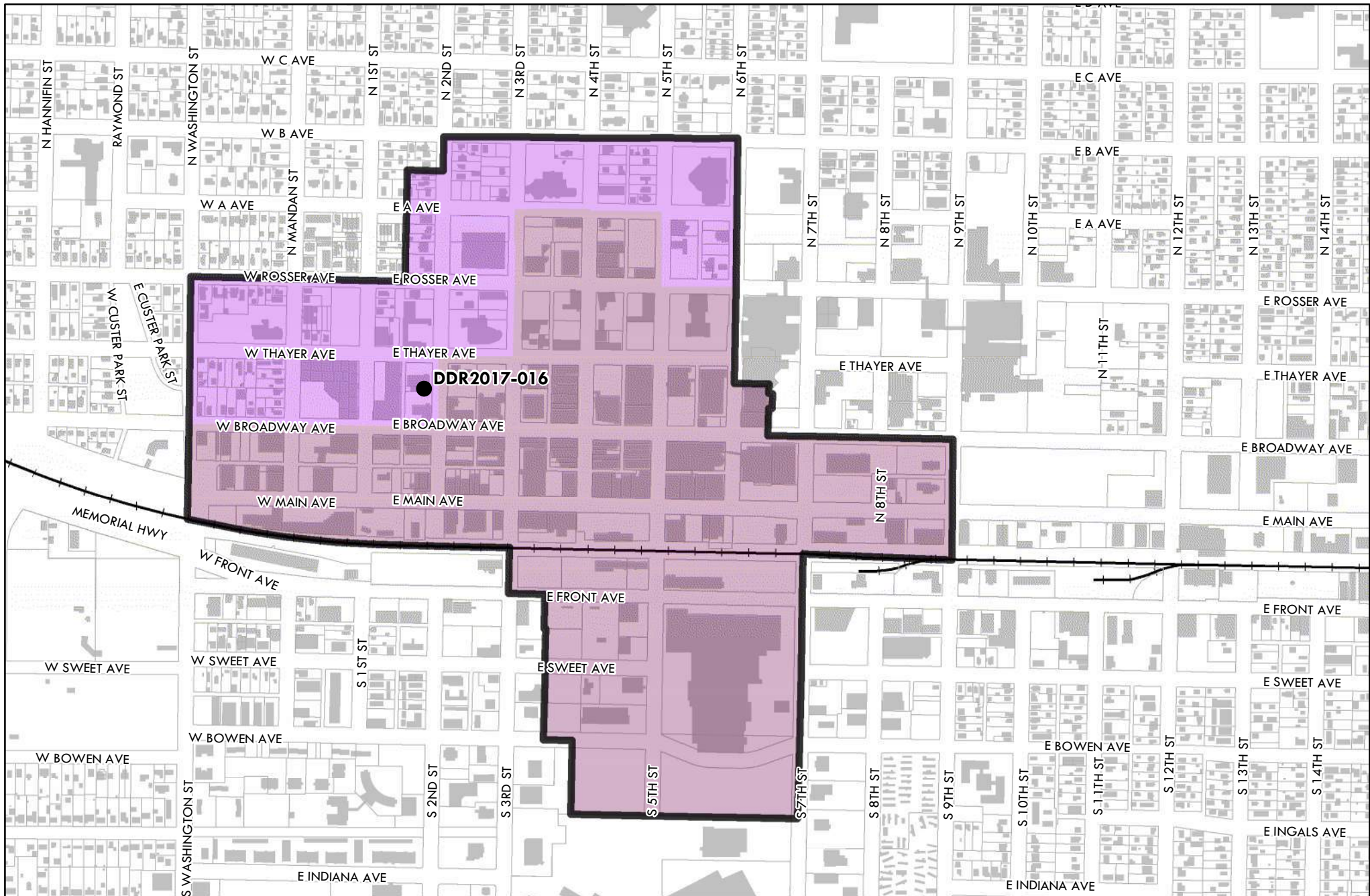
1. Location Map
2. Submitted design documents

---

Staff report prepared by: Will Hutchings, Planner  
701-355-1850 | [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov)



# Downtown Design Review - Project Location Map





212 N. 2nd Street

Legend

 One

A. L. A.  
of N. D.



 AMERICAN  
LUNG  
ASSOCIATION  
*of North Dakota*

Google Earth

© 2017 Europa Technologies

© 2017 Google

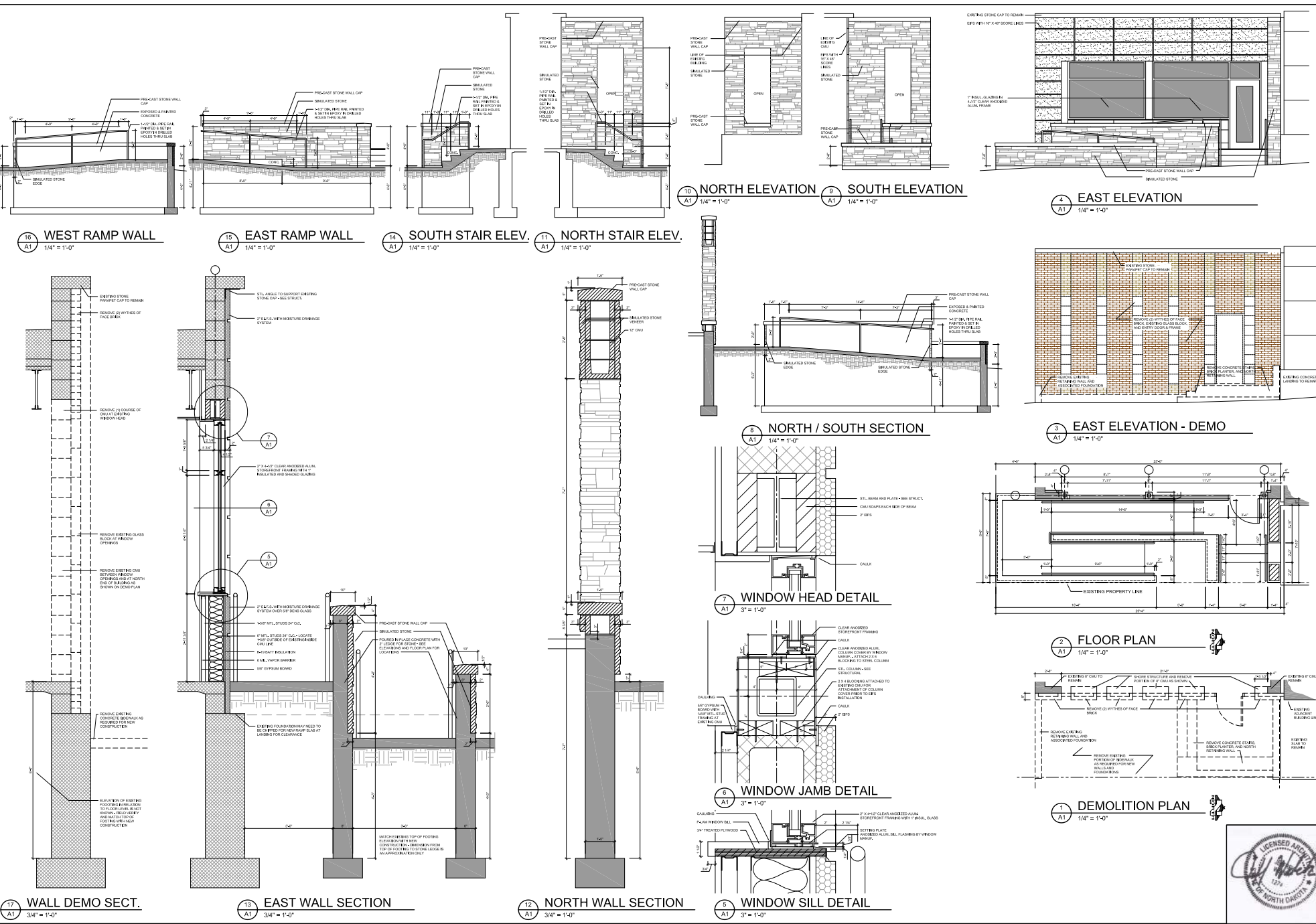
5.93 ft













## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 5

October 12, 2017

### Application for: Downtown Design Review

TRAKiT Project ID: DDR2017-019

#### Project Summary

Title:	The Rejuvenation Place Signs
Status:	Renaissance Zone Authority
Owner(s):	Redland LLC
Project Contact:	Scott Bina, Mann Signs
Location:	401 East Broadway Avenue
Request:	Approve design for a wall sign.



#### Staff Analysis

The applicant is requesting Downtown Design Review approval for an illuminated sign to be installed on the front façade of 401 East Broadway Avenue located in the DC – Downtown Core zoning district.

The proposed wall sign meets all requirements of the downtown sign ordinance. This business occupies all of the first floor and basement. The maximum allowable sign area for this building 400 square feet. This proposed sign would be first installed on this building and no other signs are proposed for this business. Based on the information provided with the application, the proposed illuminated sign will be 62" x 62" in overall width and height for a total of 28 square feet. If the just the area of the sign is calculated the total square feet is a 13.5 square feet. The reason for the difference is the diamond shape of the sign.

All elements on the sign will be backlit. The main logo on the sign will feature push through lettering and the perimeter of the sign will have a white accent led light to create a soft glow around the edge.

The proposed sign would be installed on the northwest corner of the building.

#### Required Findings of Fact

1. The proposed design conforms to Sections 4-04-09, 14-04-21.1, and 14-04-21.2 of the Bismarck Code of Ordinances, relating to Design Standards within the DC – Downtown Core and DF – Downtown Fringe zoning districts.
2. The proposed design generally conforms to the purpose and intent of the 2015 Downtown Design Guidelines, and other relevant plans and policies.

#### Staff Recommendation

Based on the above findings, staff recommends approval of the proposed design as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

#### Attachments

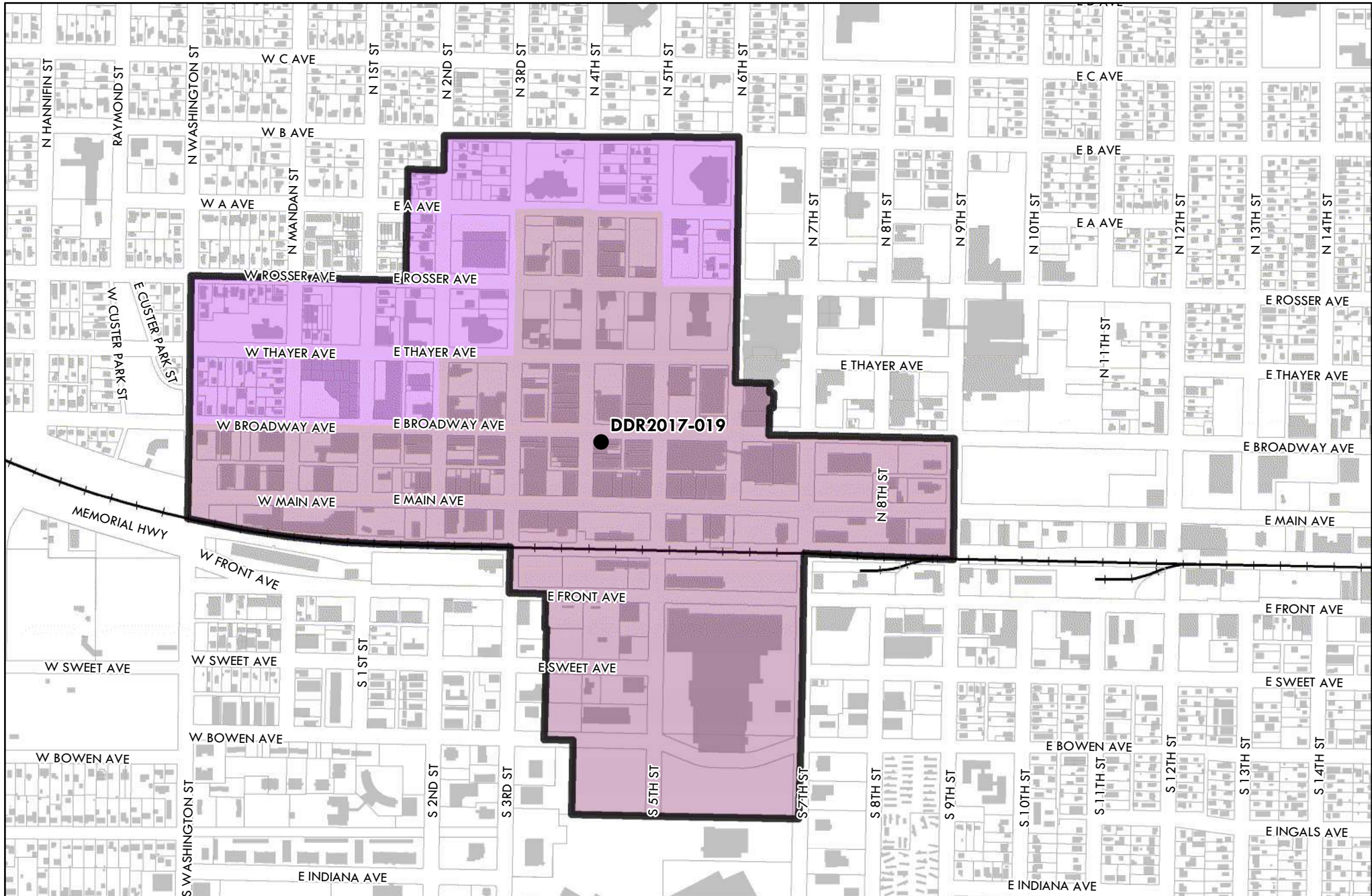
1. Location Map
2. Submitted design document

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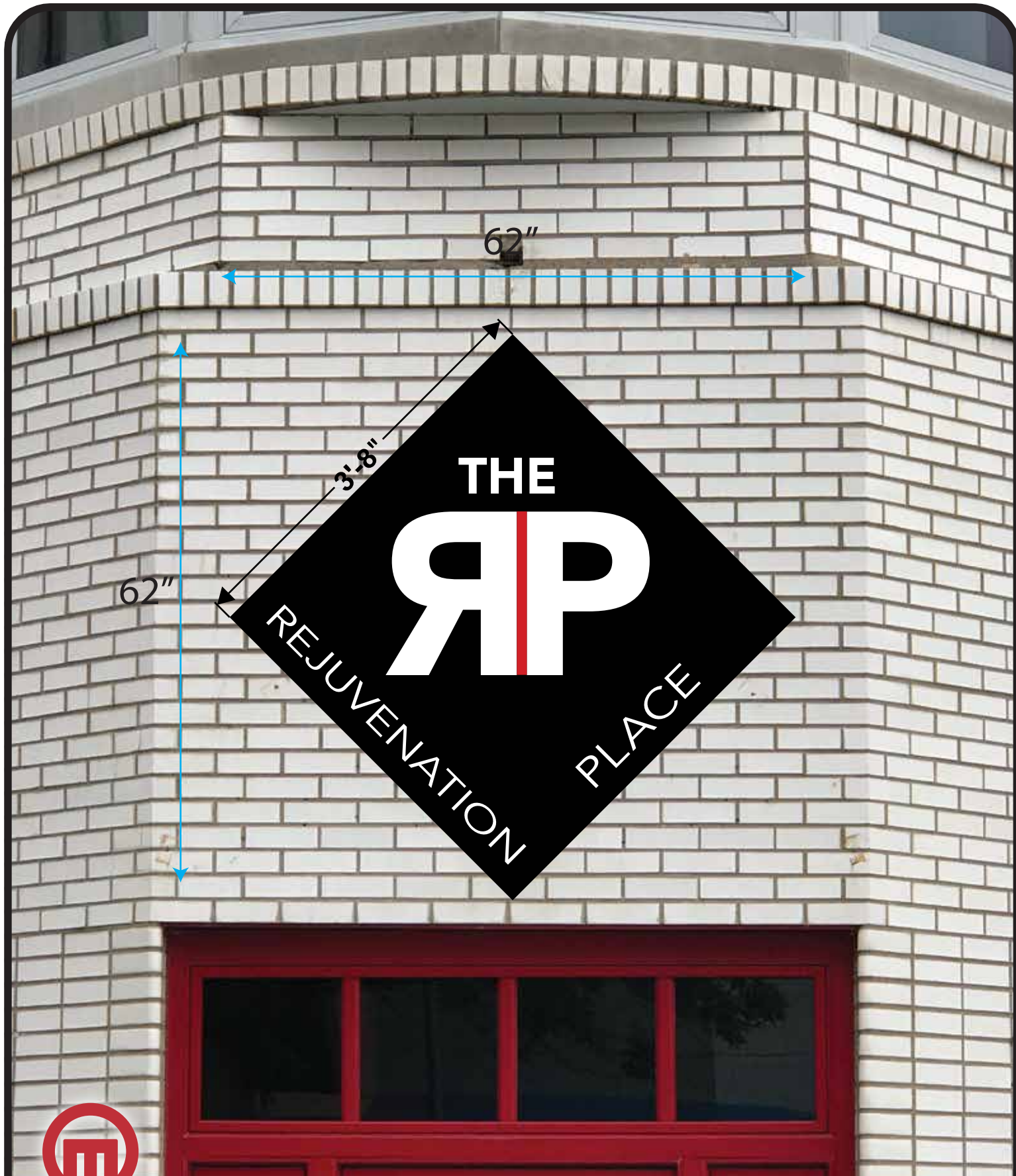
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Staff report prepared by: Will Hutchings, Planner  
701-355-1850 | [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov)

# Downtown Design Review - Project Location Map







**mann**  
**SIGNS, INC**

1507 Continental Ave  
bismarck, nd 58504  
**701-355-1111**  
www.mannsignsinc.com

**CLIENT:**

**THE REJUVENATION  
PLACE**

**APPROVAL:**



DUE TO VARIATIONS IN OUTPUT  
DEVICES, THE COLORS SHOWN  
HERE MAY NOT REFLECT  
ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN  
THIS ARTWORK ARE THE PROPERTY  
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MAY NOT BE USED IN WHOLE  
OR PART WITHOUT WRITTEN  
CONSENT FROM MANN SIGNS, INC.



## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 6

October 12, 2017

### Application for: Downtown Design Review

TRAKiT Project ID: DDR2017-020

#### Project Summary

Title:	Proximal 50 Signs
Status:	Renaissance Zone Authority
Owner(s):	Eggers, Herman Revocable Living Trust
Project Contact:	Scott Bina, Mann Signs
Location:	214 and 216 East Main Avenue
Request:	Approve designs for two wall signs and two projecting signs.



#### Staff Analysis

The applicant is requesting Downtown Design Review approval for two non-illuminated signs to be installed on the façades of 122 North Mandan Street. These signs are proposed for the tenant Proximal 50.

The proposed wall and projecting signs meet all requirements of the downtown sign ordinance. This business occupies the entire building. The maximum allowable sign area for this building 407.5 square feet. Based on the information provided with the application, the proposed signs will have a combined size of 85 square feet.

Based on information provided with the application the proposed projecting signs will provide 9.5 feet of clear space below the sign to grade level and are within the allowable projection distance from the face of the building. Per Section 04-04-09 (6) of the City Code of Ordinances, the applicant will be required to obtain an encroachment agreement for the projecting signs to extend into the public right of way.

The proposed wall sign and projecting sign are dimensional in nature and will protrude one inch from the base surface of the sign.

#### Required Findings of Fact

1. The proposed design conforms to Sections 4-04-09, 14-04-21.1, and 14-04-21.2 of the Bismarck Code of Ordinances, relating to Design Standards within the DC – Downtown Core and DF – Downtown Fringe zoning districts.
2. The proposed design generally conforms to the purpose and intent of the 2015 Downtown Design Guidelines, and other relevant plans and policies.

#### Staff Recommendation

Based on the above findings, staff recommends approval of the proposed design as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

#### Attachments

1. Location Map
2. Submitted design documents

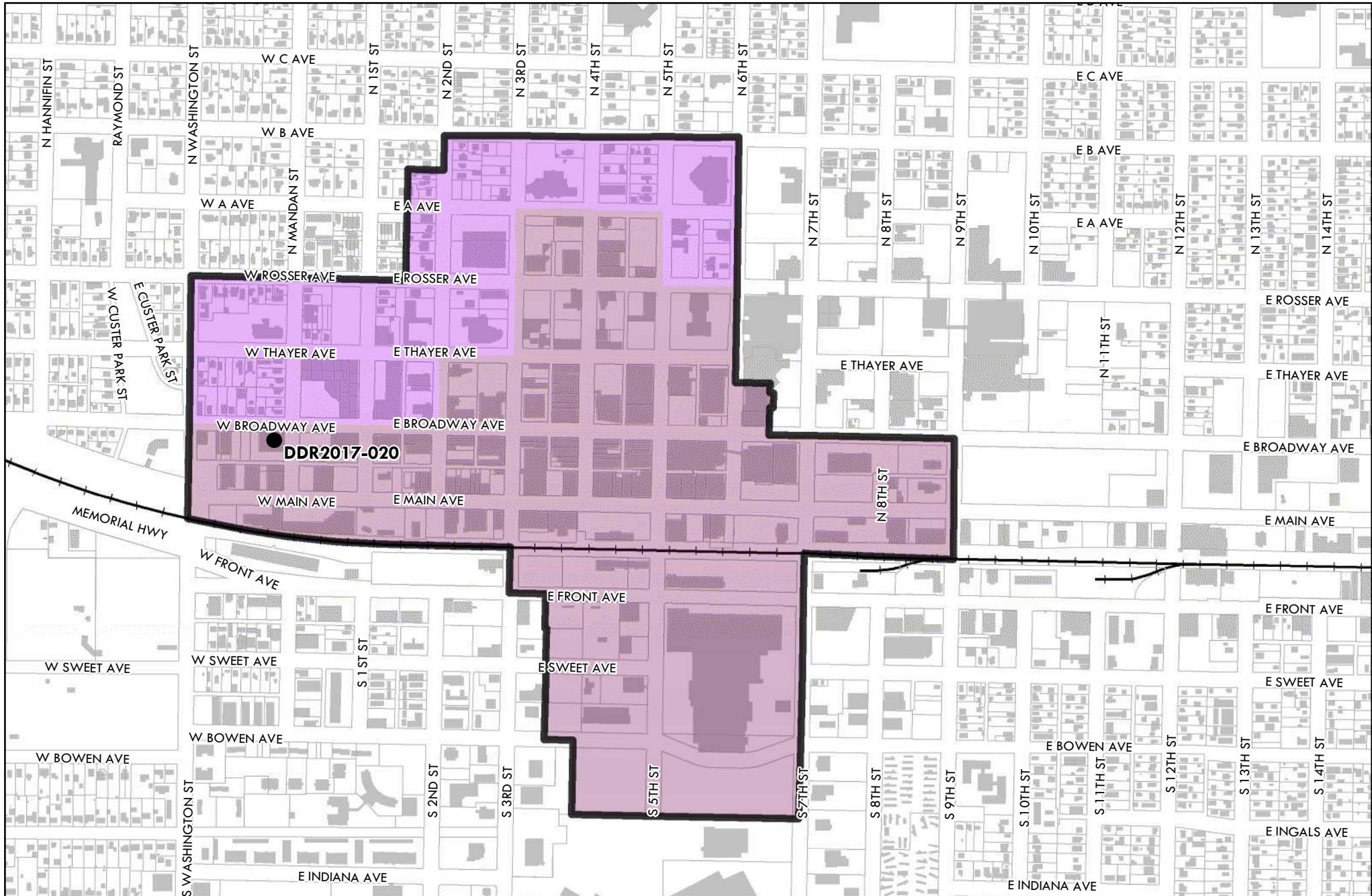
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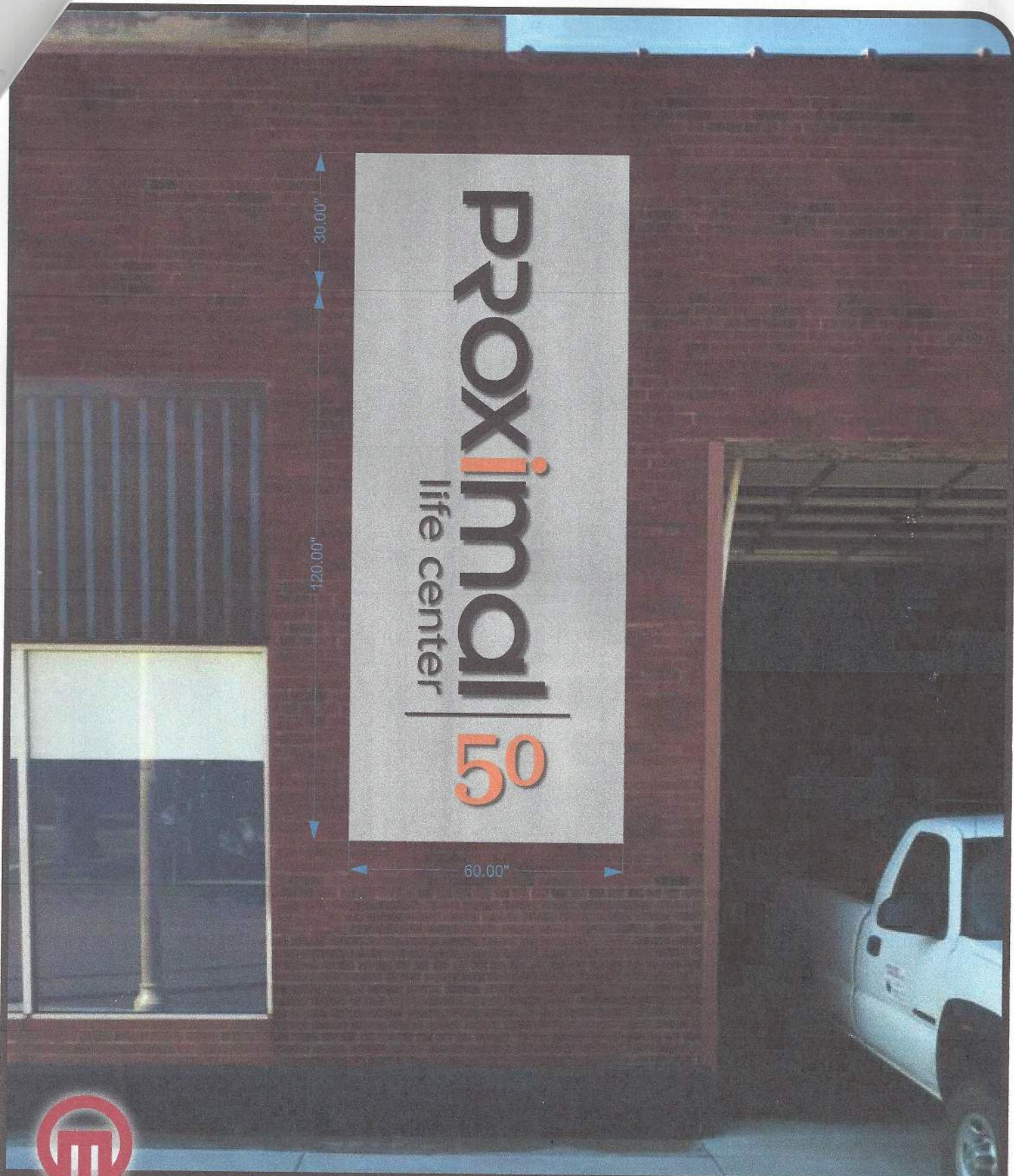
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Staff report prepared by: Will Hutchings, Planner  
701-355-1850 | [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov)

# Downtown Design Review - Project Location Map







**mann**  
**SIGNS, INC**

1507 Continental Ave  
bismarck, nd 58504  
**701-355-1111**  
www.mannsignsinc.com

**CLIENT:**

**PROXIMAL 50**

**APPROVAL:**

**X**

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ACTUAL COLORS.

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SIGNS, INC

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bismarck, nd 58504  
**701-355-1111**  
www.mannsignsinc.com

**CLIENT:**

**PROXIMAL 50**

**APPROVAL:**

**X**

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## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

Agenda Item # 1A

October 12, 2017

### Application for: Downtown Design Review

TRAKiT Project ID: DDR2017-006

#### Project Summary

Title:	Mahalia Mees Mural
Status:	Renaissance Zone Authority
Owner(s):	Rolf Eggers Revocable Living Trust
Project Contact:	Mahalia Mees
Location:	321 West Broadway Avenue
Request:	Paint a mural on the west side of the building.



#### Staff Analysis



*Site proposed for mural installation*

The applicant is requesting an amendment to the Downtown Design Review approval for a mural to move the location from 117 North 4<sup>th</sup> Street to the west side of the building at 321 West Broadway Avenue, facing the parking area for the adjoining building.

The artist, Mahalia Mees, has received a grant to create a mural and is also participating in the alley art project between North 5<sup>th</sup> and North 6<sup>th</sup> Streets. The theme of the art would be angel wings. Examples of the theme are attached. Because the location is a store for

children's clothing, the applicant intends to paint a second pair of wings in a child size.

This project was first proposed for the front of the Seeds of Hope building on East Main Avenue during the May 11 Renaissance Zone Authority meeting. This location did not meet

The following public art requirements are included the in downtown sign section of Title 14 of The Bismarck Code of Ordinances.

1. The public art is not installed on any side of a building directly adjacent to a public right-of-way, excluding alleys.
2. The public art not does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or logo, trademark, or other commercial message.
3. The public art is not installed on a vacant building or within a vacant lot, unless the property owner has filed a building permit with the intention of occupation or is otherwise actively in the process of improving the building or lot for the purpose of occupation.
4. The public art is not installed on any original façade of a building listed as a contributing structure of the downtown historic district, unless

(continued)

the art may be attached to a removable panel without damage to the underlying historic façade and the artwork meets all other downtown design review requirements pertaining to historic structures.

The proposed location clearly meets all four conditions. A mural was previously painted on this wall, but it was covered up when the previous tenant Parallax Games vacated the location.

The owner has submitted a signed letter consenting to the project.

**Required Findings of Fact**

1. The proposed design conforms to Sections 4-04-09, 14-04-21.1, and 14-04-21.2 of the Bismarck Code of Ordinances, relating to Design Standards within the DC – Downtown Core and DF – Downtown Fringe zoning districts.
2. The proposed design conforms to the purpose and intent of the 2015 Downtown Design

Guidelines, and other relevant plans and policies.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the proposed design as presented in all submitted documents and materials, with the following condition:

1. Any substantive revisions to the approved design or location must be reconsidered by the Downtown Design Review Committee prior to implementation.

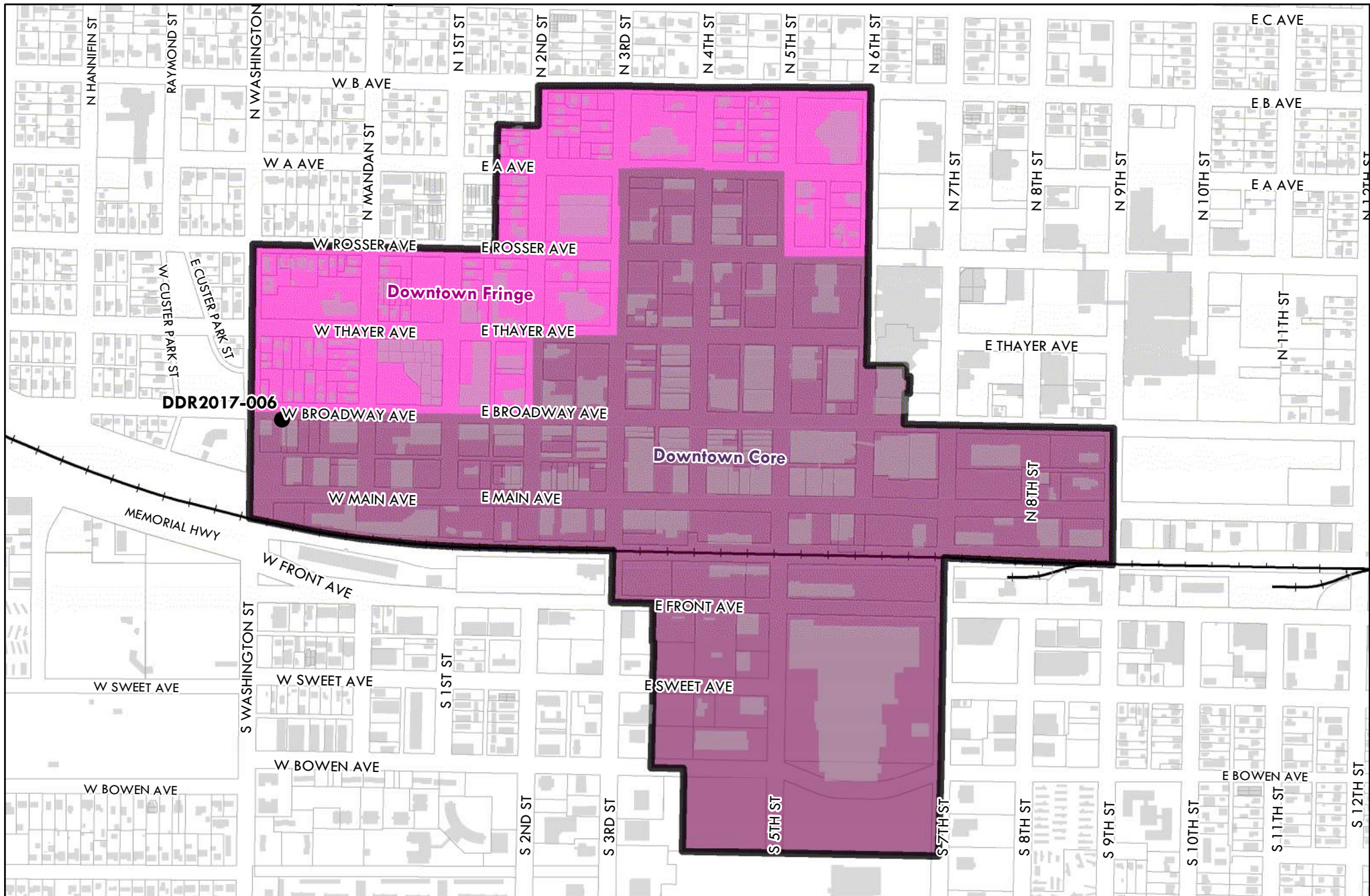
**Attachments**

1. Location Map
2. Proposed Mural Design

---

Staff report prepared by: Daniel Nairn, AICP, Planner  
701-355-1845 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

# Downtown Design Review - Project Location Map









## **BISMARCK RENAISSANCE ZONE AUTHORITY PUBLIC HEARING PROCEDURE AND PROTOCOL**

All public hearings before the Bismarck Renaissance Zone Authority will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Renaissance Zone Authority will introduce the item on the agenda and ask staff to present the staff report.
2. City staff will present the report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is typically posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Renaissance Zone Authority may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Renaissance Zone Authority will then open the public hearing on the request and ask if anyone would like to speak to the Authority.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, speak clearly, state both your first and last names and your address, then your comments. Your comments as well as any materials distributed to the Renaissance Zone Authority at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Authority for you.
7. Please be respectful of the Renaissance Zone Authority members, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Renaissance Zone Authority, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time to five minutes, not repeat previous testimony/comments and only speak once. Members of the Renaissance Zone Authority may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion of the meeting. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Renaissance Zone Authority members will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Authority will make its recommendation or decision.

# Bylaws of the City of Bismarck Renaissance Zone Authority

## Article I. Authorization

A. Authority. The Renaissance Zone Authority is established pursuant to provisions in Chapter 07-08 of the Bismarck Code of Ordinances and Chapter 40-63 of the North Dakota Century Code. The Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee pursuant to Sections 14-04-21.1 (DC Downtown Core District) and 14-04-21.2 (DF Downtown Fringe District) of the Bismarck Code of Ordinances.

## Article II. Purpose

A. Purpose: Renaissance Zone Authority. The purpose of the Renaissance Zone Authority is to further the goals and objectives outlined in the Bismarck Renaissance Zone Development Plan, as amended, by administration of tax incentives available through the Renaissance Zone program.

B. Purpose: Downtown Design Review Committee. The purpose of the Downtown Design Review Committee is to review the designs of proposed projects within Downtown Core and Downtown Fringe zoning districts, in order to create and maintain a high visual quality and appearance, to ensure that construction and alterations within the downtown enhance the character of the district and fit into their surroundings, to protect public and private investment through the establishment of high design standards, and to support the preservation of historically significant buildings.

## Article III. Membership and Organization

A. Membership. The Renaissance Zone Authority shall consist of seven (7) voting members, each to be appointed by the Bismarck Mayor and approved by the Board of City Commissioners for a term of three (3) years, and two (2) non-voting technical advisors, selected by the appointed Renaissance Zone Authority members. The Authority shall be constituted as:

1. One (1) representative from the Board of City Commissioners, whose appointment runs concurrent with the Commissioner's term in office;
2. Six (6) at-large representatives from organizations other than the City of Bismarck;
3. Two (2) technical advisors.

B. Organization. The organization of the Renaissance Zone Authority will consist of a Chairperson and Vice-Chairperson who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of officers shall be taken from the floor at the Renaissance Zone Authority's first meeting of the year. In the event that an officer is unable to complete the specified term, a new member will be appointed in the same manner as an initial appointment.

C. Responsibilities of Chairperson. The Chairperson shall preside at all Renaissance Zone Authority meetings, review agendas with staff, sign documents on behalf of the Authority, and

represent the Authority before legislative or administrative bodies, as necessary. The Chairperson shall interpret and decide on all points of order and procedure during meetings, subject to these bylaws.

D. Responsibilities of Vice-Chairperson. The Vice-Chairperson shall conduct all business delegated by the Chairperson, in his or her absence, and sign the approved minutes of any meeting presided over.

E. Selection of Chairperson Pro-Tempore. When both the Chairperson and Vice-Chairperson are absent from a meeting, the remainder of the members of the Renaissance Zone Authority shall elect a Chairperson pro-tempore from among their own number by majority vote. The Chairperson pro-tempore shall assume all responsibilities of the Chairperson, and sign the approved minutes of any meeting presided over.

#### **Article IV. Conduct of Members and Ethics**

A. General Conduct. Members of the Renaissance Zone Authority shall make every effort to attend all meetings and shall make every effort to represent the interests of all citizens of the City of Bismarck in a fair and impartial manner.

B. Conflict of Interest. Any member of the Renaissance Zone Authority who has a direct and substantial personal or pecuniary (financial) interest in a matter before the Authority, whether a voting or non-voting member, must disclose the fact to the Authority and may not participate or vote on that particular matter without the consent of a majority of the rest of the Authority.

C. Removal of Members. The Renaissance Zone Authority may recommend that the Board of City Commissioners remove any member of the Authority if that member has failed to attend three (3) consecutive regular meetings of the Renaissance Zone Authority or has failed to attend seven (7) regular meetings within one calendar year. The Board of City Commissioners shall make judgment on such matters after receiving a report from the Chairperson of the Renaissance Zone Authority.

D. Ex-Parte Communication. Ex-parte communication includes any oral or written communication between a voting member of the Authority and any other person interested in an item before or scheduled to be before the Authority. Communications on a particular item sent to an Authority member before the agenda packet has been sent via email or mail should be communicated to staff for dissemination to the Authority. Communications received after the agenda packet has been sent may be distributed and announced at the following Renaissance Zone Authority meeting.

E. Open Meetings Requirements. Renaissance Zone Authority members shall comply with all applicable City and State open meeting requirements, including but not limited to requirements of the N.D. Constitution Article XI, Section 5 and N.D.C.C. Section 44-04-19.

#### **Article V. Powers and Duties of the Authority**

A. Powers and Duties of the Authority. The Renaissance Zone Authority shall have all of the powers and duties granted by Chapter 07-08 of the Bismarck Code of Ordinances and Chapter

40-63 of the North Dakota Century Code (NDCC), and the Bismarck Renaissance Zone Development Plan, as amended. These powers and duties include, but are not limited to:

1. Project Selection. The Renaissance Zone Authority shall decide whether to recommend approval, denial, or approval with conditions for any proposed Renaissance Zone projects, pursuant to the Renaissance Zone Development Plan, as amended, and all applicable City and State requirements, as well as any other funding requests for which the Renaissance Zone Authority is duly authorized to review.
2. Amendments to the Development Plan. The Renaissance Zone Authority shall periodically review the Bismarck Renaissance Zone Development Plan, as well as any internal policies and guidelines governing the program, and recommend amendments as appropriate, including boundary adjustments, revisions to project approval criteria, and extension requests.
3. Downtown Design Review. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, shall decide whether to approve, deny, or approve with conditions any request for Downtown Design Review approval, pursuant to the Downtown Design Guidelines and all requirements of Sections 14-04-21.1 (DC Downtown Core District), 14-04-21.2 (DF Downtown Fringe District), and 04-04-09 (Downtown Signs) of the Bismarck Code of Ordinances.
4. Amendments to Downtown Design Guidelines. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, shall periodically review the Downtown Design Guidelines and amend as appropriate. The Authority may also recommend amendments to any provisions of the City of Bismarck Code of Ordinances pertaining to the downtown.

## **Article VI. Meeting Schedule and Order**

A. Meeting Schedule. The Renaissance Zone Authority's regular meeting time shall be held at 4:00pm on the second Thursday of each month in the David J. Blackstead Meeting Room in the City-County Office Building. Special meetings can be held at any time and may be called by the Chairperson.

B. Meeting Notice. Notice of the time and place of a hearing before the Renaissance Zone Authority shall be sent to the applicant or their agent after a complete project application is submitted to staff. Notice of a hearing on a Renaissance Zone project shall be placed in the official city newspaper once each week for two (2) consecutive weeks prior to the hearing. Notice of the time, place and request for Renaissance Zone Authority approval shall be sent to all known property owners within 350 feet of the proposed project no later than ten (10) days prior to the Renaissance Zone Authority meeting.

C. Quorum. A quorum of at least four (4) voting Renaissance Zone Authority members must be present to exercise any of the powers and duties of the Authority outlined herein. In instances when a quorum is not present, the Renaissance Zone Authority may discuss items on the agenda but may not cast votes.

D. Remote attendance. An Authority member may join the meeting by telephone or other electronic means and be included in the determination of a quorum, as well as discussion and

voting on all agenda items. A Renaissance Zone Authority member may use this option for temporary situations, such as travel, medical or family circumstances.

E. Meeting Order. The order of a regular meeting shall be as follows:

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. The order of items on the agenda may be changed by the Chairperson.
4. Discussion and action concerning items on the agenda, including any public hearings.
5. Other business.
6. Adjournment.

F. Meeting Rules. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings of the Renaissance Zone Authority.

## **Article VII. Conduct of Hearings**

A. Public Participation. All meetings of the Renaissance Zone Authority are open to the general public. Any member of the public shall be afforded the opportunity to address the Renaissance Zone Authority during any noticed public hearing, governed by the Renaissance Zone Authority's Public Hearing Procedure and Protocol. The Chairperson may, but is not required to, allow public comment outside of a public hearing.

B. Maintenance of Order. Members of the public have the obligation to remain in order during any Renaissance Zone Authority meeting. The Chairperson may rule any conduct that interferes with the meeting to be "out-of-order," and direct the offending person to remain silent. If this person persists in disruptive conduct, the Chairperson may entertain a motion to "eject" the person from the meeting. If the person fails to comply with the successful motion to eject, the Chairperson may then call proper authority to physically remove the individual from the premises for the duration of the meeting or deliberation on that item.

## **Article VIII. Staff Role**

A. Staff Responsibilities. The Bismarck Community Development Department – Planning Division advises the Renaissance Zone Authority on matters related to the Renaissance Zone program, Downtown Design Review, and downtown planning generally; prepares all documents for presentation to the Renaissance Zone Authority; conveys any recommendation of the Renaissance Zone Authority to the Board of City Commissioners or the appropriate body; and otherwise assists the Renaissance Zone Authority in the exercise of their duties, as required.

B. Staff Privilege. The staff representative(s) from the Community Development Department and City Attorney's Office have the privilege to address the Renaissance Zone Authority during any meetings.



## **Article IX. Appeals**

A. Appeal to the Board of City Commissioners. Any decision of the Renaissance Zone Authority may be appealed to the Board of City Commissioners by either the aggrieved applicant or by any officer, department, or board of the City by filing, within fifteen (15) calendar days after notice of the decision, with the office of the City Administrator or the Community Development Department. The Board of City Commissioners shall fix a time, within thirty (30) days, for the hearing of the appeal and shall give due notice of the hearing to the involved parties.

## **Article X. Instruments and Documents**

A. Documents of the Authority. All notices, agendas, requests, letters, reports, maps, photographs, staff reports, minutes and other related items shall constitute the documents of the Renaissance Zone Authority and shall be maintained by the Community Development Department. Meeting documents shall be made available to the general public upon final completion and review by staff.

## **Article XI. Amendment of Bylaws**

A. Amendments. These Bylaws may be amended at any regular meeting of the Renaissance Zone Authority, provided that the proposed amendment has been introduced prior to and included within the agenda packet sent in advance of the meeting. Amendment of the Bylaws shall require the affirmative vote of at least four (4) members of the Authority.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017

Renaissance Zone Authority

\_\_\_\_\_  
Chairperson



## *Community Development Department*

### **MEMORANDUM**

#### **REVIEW OF AMENDMENTS TO DEVELOPMENT PLAN REQUIREMENTS**

TO: Chairman Curt Walth, Renaissance Zone Authority

FROM: Daniel Nairn, AICP

DATE: October 6, 2017

The Renaissance Zone Authority has recently asked staff to provide potential updates to the policies of the Renaissance Zone Authority regarding assessment of the structural integrity of buildings, as well as the minimum investment thresholds for projects. Once you agree on language for any updates, staff will provide an amendment development to you for your consideration. Any amendment to the Development Plan would be forwarded to the City Commission with your recommendation, and a copy would be filed with the State Department of Community Services. No State approval is necessary.

#### *Structural Assessment Requirement*

If you wish to require structural assessments on all lease projects, the following language may be added:

“A report assessing the structural integrity of the building within which the lease space is contained must be supplied prior to designation of a Renaissance Zone lease project, unless a structural assessment was completed as part of a previous Renaissance Zone project for the building. The assessment must be conducted by a licensed structural engineer. A complete remedy for any defects found in a report must be included in the project scope of work prior to approval.”

You may also consider using similar language for rehabilitation or purchase with improvement projects. Although there is a requirement to remove all forms of blight from a building, we have not historically required a formal structural evaluation of all buildings. It should be noted that a formal structural evaluation will typically cost between \$2,000 to \$3,000, although many new owners or leasees are already paying for these assessments.



### *Minimum Investment Requirement*

The Renaissance Zone Development Plan currently requires a minimum investment per square foot for all new construction, rehabilitation, and certain lease projects. This minimum investment is above and beyond what is required by the state. You have asked me to review the amounts of investment we currently require to determine if it adequately reflects going rates for construction.

The current thresholds are as follows:

#### **Bismarck Current Levels**

Rehabilitation (Commercial)	\$40 per SF
Rehabilitation (Residential)	\$15 per SF
New Construction	\$150 per SF
Commercial Lease	\$30 per SF (exempt if within a previous project)
Purchase with Major Improvements	No Additional Investment Requirement

Staff has reached out to other Renaissance Zone program administrators and asked about what requirements, if any, are used. To our knowledge, the only other city to require a local minimum investment is Fargo. These levels were set in 2015, with the renewal of the program:

#### **Fargo Current Levels**

Rehabilitation (Commercial)	\$40 per SF
Rehabilitation (Residential)	\$25 per SF
New Construction	\$100 per SF
Commercial Lease	Only allowed within a previous project
Purchase with Major Improvements	Classified as a Rehab

The City's Assessing Division has provided data on assessed building values that could assist with setting the amount for new construction projects.

The following list shows buildings constructed in 2015 or 2016, excluding certain low-end or industrial buildings that would not normally be found in the downtown.

<b>Parcel #</b>	<b>Doing Business As</b>	<b>Building Area (SF)</b>	<b>Building Value</b>	<b>Value/SF</b>
2135-001-001	New Bank	2,473	929,700	376
2135-001-150	New Bank	4,091	1,302,200	318
2135-001-045	New Coffee Shop	2,540	670,700	264
0625-001-050	New Restaurant	5,626	1,435,600	255
2085-001-103	Condo	1,978	504,400	255
1510-001-110	Office	4,800	1,172,600	244
2255-001-001	New Gas Station	7,112	1,721,000	242
1458-001-100	New Restaurant	6,275	1,393,000	222

2085-001-102	Condo	1,909	420,300	220
1510-001-145	Office	6,000	1,222,000	204
2085-001-101	Condo	14,075	2,727,100	194
0000-001-490	New Car Wash	6,360	840,600	132
2135-003-250	Office	16,776	2,132,900	127
2135-003-300	Office	16,776	2,132,900	127

**Median            232**

It should be noted that our threshold only includes capital improvements, using a relatively narrow definition of the term. Therefore, some of the components of building value that are considered in the assessed value would not meet the definition of a capital improvement.

Staff presents this for your information and discussion, and we do not have a specific recommendation to proceed with any changes at this time.

## BISMARCK RENAISSANCE ZONE PROGRAM - PROJECT STATUS

State ID	Applicant	Street Address	Project Type	Status	RZA Hearing	Commission Review	State Approval	Beginning Building Market Value	Proposed Investment	Estimated Building Value w/Investment	Estimated Property Tax Benefit	Estimated State Income Tax Benefit	Income Tax Benefit Per Year	Completion Date	Actual Investment
001-B	George T. Duemeland Revocable Trust	301 East Thayer Avenue	Purchase w/ Major	Completed	12/10/02	12/17/02	01/02/03	\$77,000	\$44,366	\$150,000	\$18,095	\$5,650	\$1,130	12/01/03	\$66,397
002-B	Dakota Building Partnership	501 East Main Avenue	Purchase - Land	Completed	01/06/03	01/07/03	02/26/03	\$444,200	\$300,000	\$540,000	\$32,023	\$7,500	\$1,500	01/31/07	\$284,195
003-B	Civic Square Development LLC	521 East Main Avenue	Purchase w/ Major	Completed	02/07/03	02/11/03	04/21/03	\$500	\$600,000	\$500,000	\$61,000	\$2,500	\$500	12/31/07	\$618,111
004-B	Duemelands Commercial LLLP	301 East Thayer Avenue	Lease	Completed	07/14/03	07/22/03	09/25/03					\$609	\$122	12/01/03	
005-B	John & Barbara Grinstein	200 North Mandan Street	Purchase	Completed	10/07/03	10/14/03	10/16/03	\$43,300	\$5,000	\$77,500	\$5,550	\$2,000	\$400	10/17/03	
006-B	Woodmansee's	114 North 4th Street	Historic Rehabilitation	Completed	10/30/03	11/15/03	11/21/03	\$49,900	\$125,000	\$120,000	\$15,500	\$25,000	\$5,000	01/26/05	\$129,333
007-B	Bertsch Properties LLC	207 East Front Avenue	Rehabilitation	Completed	11/19/03	11/25/03	12/03/03	\$371,200	\$601,600	\$1,455,000	\$186,375	\$8,200	\$1,640	01/19/05	\$734,707
008-B	Northland Financial	207 East Front Avenue	Lease	Completed	11/19/03	11/25/03	12/03/03					\$116,000	\$23,200	09/16/04	
009-B	Bertsch Properties LLC	218 South 3rd Street	Rehabilitation	Completed	11/19/03	11/25/03	12/03/03	\$142,300	\$329,150	\$840,000	\$107,600	\$3,000	\$600	01/20/05	\$378,013
010-B	Lee Enterprises Inc.	707 East Front Avenue	Rehabilitation	Completed	12/15/03	12/16/03	12/29/03	\$2,508,200	\$2,256,624	\$4,408,200	\$550,000	\$1,248,000	\$249,600	10/26/05	\$2,400,776
011-B	PJCM Partners, LLP	901/907 East Front Avenue	Rehabilitation	Completed	03/03/04	03/23/04	03/29/04	\$151,300	\$298,840	\$420,000	\$52,795	\$2,700	\$540	06/30/05	\$409,846
012-B	Mark Gartner	302 East Thayer Avenue	Rehabilitation	Completed	05/25/04	05/25/04	06/04/04	\$49,900	\$85,000	\$125,000	\$15,715	\$4,700	\$940	12/06/05	\$103,455
013-B	AW Enterprises	216 North 2nd Street	Rehabilitation	Completed	08/10/04	08/10/04	08/18/04	\$173,500	\$208,814	\$275,000	\$34,573	\$12,500	\$2,500	06/22/05	\$263,473
014-B	Daryl Rosenau & Clarence Sayler	225 West Broadway Avenue	Purchase	Completed	02/07/05	02/08/05	02/16/05	\$167,000	\$69,550	\$182,500	\$21,470	\$1,750	\$350	12/26/07	\$70,002
015-B	J & L Development, Inc.	324 North 3rd Street	Rehabilitation	Completed	11/15/04	12/14/04	02/16/05	\$500,000	\$750,000	\$900,000	\$113,500	\$15,000	\$3,000	09/15/06	\$698,396
016-B	Pirague Grille, Inc.	121 North 4th Street	Lease	Completed	03/02/05	03/08/05	03/22/05		\$128,000			\$3,500	\$700	08/24/05	
017-B	Zorells Jewelry Inc.	221 South 9th Street	New Construction	Completed	09/20/04	03/08/05	03/22/05	\$20,100	\$200,000	\$200,000	\$25,000	\$4,000	\$800	07/30/05	\$191,898
019-B	CCC Properties, LLLP	310 South 5th Street	Purchase	Completed	08/25/05	09/13/05	09/21/05	\$410,400	\$168,000	\$450,000	\$58,500	\$10,500	\$2,100	07/01/06	\$298,372
020-B	American Bank Center	320 North 4th Street	Rehabilitation	Completed	09/21/05	09/27/05	10/04/05	\$809,500	\$3,100,000	\$2,000,000	\$258,760	\$250,000	\$50,000	08/01/09	\$2,301,478
021-B	Foot Care Associates PC	310 South 5th Street	Lease	Completed	01/12/06	01/24/06	02/03/05					\$1,000	\$200	04/01/06	
022-B	Dentyne, Inc. (Bakke & Roller)	310 South 5th Street	Lease	Completed	01/12/06	01/24/06	02/03/05					\$10,500	\$2,100	03/13/06	
023-B	Duemelands Properties, LLLP	302 South 3rd Street	Purchase	Completed	01/12/06	02/14/06	02/16/06	\$312,700	\$190,900	\$345,000	\$44,840	\$4,500	\$900	12/01/06	\$227,295
024-B	Duemelands Properties, LLLP	312 South 3rd Street	New Construction	Completed	01/12/06	02/14/06	02/16/06	\$0	\$215,223	\$250,000	\$32,500	\$4,100	\$820	12/01/06	\$233,855
025-B	Makoché Media, LLC	208 North 4th Street	Purchase	Completed	01/12/06	02/14/06	02/16/06	\$247,000	\$71,612	\$320,000	\$41,600	\$1,000	\$200	12/27/07	\$91,672
026-B	River Q, LLC	312 South 3rd Street	Lease	Completed	04/13/06	04/25/06	05/05/06					\$25,000	\$5,000	12/04/06	
027-B	Gem Group LLC	412 East Main Avenue	Rehabilitation	Completed	05/23/06	05/23/06	05/30/06	\$47,800	\$40,000	\$75,000	\$5,990	\$6,500	\$1,300	10/20/06	\$50,292
028-B	Heartland Mortgage Company	412 East Main Avenue	Lease	Completed	05/23/06	05/23/06	05/30/06					\$10,500	\$2,100	07/01/06	
029-B	Bismarck MSA dba Verizon Wireless	302 South 3rd Street	Lease	Completed	07/24/06	07/25/06	08/02/06		\$100,000			\$172,000	\$34,400	09/14/06	
030-B	Main Avenue Properties, LLC	122 East Main Avenue	New Construction	Completed	10/09/06	10/10/06	12/05/06	\$0	\$3,020,590	\$3,200,000	\$370,000	\$15,000	\$3,000	12/17/07	\$2,370,152
031-B	Dakota Office Building, LLC	300 North 4th Street	Purchase	Completed	02/05/07	02/13/07	02/20/07	\$1,095,900	\$250,000	\$1,400,000	\$60,000		\$5,000	01/30/08	\$407,003
032-B	American Legal Services PC	521 East Main Avenue	Lease	Completed	04/02/07	04/10/07	04/19/07					\$10,000	\$2,000	08/01/07	
033-B	Internet Design & Consulting	521 East Main Avenue	Lease	Completed	04/02/07	04/10/07	04/24/07					\$10,000	\$2,000	08/01/07	
034-B	Larson Latham Heutle LLP	521 East Main Avenue	Lease	Completed	05/14/07	05/22/07	06/08/07					\$60,000	\$12,000	07/01/07	
035-B	Retirement Consulting LLC	521 East Main Avenue	Lease	Completed	05/14/07	05/22/07	06/08/07					\$12,500	\$2,500	07/01/07	
036-B	Jason Kirchmeier & Associates	501 East Main Avenue	Lease	Completed	06/20/07	06/26/07	07/11/07					\$30,000	\$6,000	08/01/07	
037-B	Roger Koski & Associates	501 East Main Avenue	Lease	Completed	06/20/07	06/26/07	07/11/07					\$30,000	\$6,000	08/01/07	
038-B	Melvie Financial Planning	501 East Main Avenue	Lease	Completed	06/20/07	06/26/07	07/11/07					\$35,000	\$7,000	08/01/07	
039-B	Westgard Financial Services	501 East Main Avenue	Lease	Completed	06/20/07	06/26/07	07/11/07					\$30,000	\$6,000	08/01/07	
040-B	Rainmaker Gusto Ventures, LLC	116 North 5th Street	Purchase w/ Major	Completed	09/04/07	09/11/07	10/30/07	\$166,800	\$137,500	\$300,000	\$21,000	\$5,400	\$1,080	05/21/08	\$142,050
041-B	The Rainmaker Group, Inc.	116 North 5th Street	Lease	Completed	11/14/07	12/18/07	12/27/07					\$530,000	\$106,000	06/12/08	
044-B	Rick & Theresa Keimele	413 East Broadway Avenue	Rehabilitation	Completed	11/14/07	12/18/07	01/11/08	\$184,400	\$136,836	\$263,500	\$28,000	\$28,000	\$5,600	10/01/08	\$176,955
045-B	Centennial Plaza, LLC	116 North 4th Street	Purchase	Completed	12/05/07	12/18/07	01/22/08	\$803,100	\$238,000	\$1,047,600	\$25,000	\$25,000	\$5,000	01/29/09	\$167,894
046-B	Westley's Inc.	423 East Broadway Avenue	Lease	Completed	02/21/08	03/11/08	03/19/08					\$28,000	\$5,600	07/14/08	
047-B	Depot Associates	401 East Main Avenue	Rehabilitation	Completed	04/18/08	05/13/08	05/28/08	\$372,300	\$200,000	\$600,000	\$50,000	\$5,000	\$1,000	07/01/09	\$243,344
048-B	FV Restaurant, Inc.	401/411 East Main Avenue	Lease	Completed	04/18/08	05/13/08	05/28/08					\$150,000	\$30,000	06/27/08	
049-B	T. Casey Cashman	523 North 1st Street	Rehabilitation	Completed	05/12/08	05/27/08	06/12/08	\$103,100	\$25,000	\$130,000	\$10,000	\$5,000	\$1,000	12/15/08	\$23,375
050-B	Starion Financial	333 North 4th Street	Rehabilitation	Completed	05/12/08	05/27/08	06/12/08	\$1,154,600	\$2,500,000	\$2,654,600	\$270,000	\$550,000	\$110,000	12/01/09	\$3,193,260
052-B	Mark Benesh & Associates/Prudential	521 East Main Avenue	Lease	Completed	10/08/08	10/22/08	11/04/08					\$15,000	\$3,000	04/01/09	
053-B	CIG Investments, LLP	408 East Main Avenue	Rehabilitation	Completed	03/11/09	03/24/09	04/21/09	\$80,700	\$258,720	\$420,000	\$22,030	\$20,975	\$4,195	10/21/09	\$199,620
054-B	RC Properties, LLLP	800 East Sweet Avenue	Rehab/New Const.	Completed	05/13/09	05/26/09	06/03/09	\$576,100	\$2,145,500	\$1,900,000	\$68,000	\$485,000	\$97,000	01/20/11	\$1,335,670
055-B	Blarney Stone Pub, LLC	408 East Main Avenue	Lease	Completed	06/10/09	06/23/09	07/07/09					\$30,000	\$6,000	10/01/09	
056-B	Cavalier Homes, Inc.	408 East Main Avenue	Lease	Completed	06/10/09	06/23/09	07/07/09					\$153,665	\$30,733	10/15/09	
057-B	Jim Poolman Consulting, Inc.	408 East Main Avenue	Lease	Completed	06/10/09	06/23/09	07/07/09					\$50,000	\$10,000	09/05/09	
058-B	TFRE, LLC	120/124 North 4th Street	Purchase w/ Major	Completed	06/10/09	06/23/09	06/25/09	\$231,100	\$245,284	\$350,000	\$30,000	\$15,000	\$3,000	11/01/10	\$246,603
060-B	SRSSM Partnership	122 East Broadway Avenue	Purchase w/ Major	Completed	10/14/09	10/27/09	11/25/09	\$437,680	\$727,000	\$843,500	\$54,080	\$843,500	\$168,700	06/17/10	\$620,109
061-B	Sheldon A. Smith, P.C.	123 East Broadway Avenue	Lease	Completed	11/12/09	11/24/09	12/03/09					\$192,500	\$38,500	06/21/10	
062-B	Randall J. Bakke, P.C.	124 East Broadway Avenue	Lease	Completed	11/12/09	11/24/09	12/03/09					\$192,500	\$38,500	06/21/10	
063-B	Scott K. Porsborg, P.C.	125 East Broadway Avenue	Lease	Completed	11/12/09	11/24/09	12/03/09					\$192,500	\$38,500	06/21/10	
064-B	Mitchell D. Armstrong, P.C.	126 East Broadway Avenue	Lease	Completed	11/12/09	11/24/09	12/03/09					\$192,500	\$38,500	06/21/10	
065-B	Suzanne M. Schweigert, P.C.	122 East Broadway Avenue	Lease	Completed	11/12/09	11/24/09	12/03/09					\$192,500	\$38,500	07/01/10	
066-B	Kranzler Kingsley Communications, LTD	501 East Main Avenue	Lease	Completed	12/09/09	12/22/09	01/10/10		\$180,000			\$17,000	\$3,400	07/16/10	\$295,896
067-B	IRET Properties, LP	715 East Broadway Avenue	Rehabilitation	Completed	12/09/09	12/22/09	01/10/10	\$1,251,000	\$1,136,650	\$1,818,000	\$125,287	\$0	\$0	09/08/10	\$837,783
068-B	J & J Smith Property Management, LLC	115 North 4th Street	Purchase w/ Major	Completed	01/13/10	01/26/10	02/12/10	\$294,400	\$120,000	\$437,000	\$25,000	\$2,500	\$500	10/25/10	\$161,746
069-B	Jimmy John's	301 South 3rd Street	Lease	Completed	02/10/10	02/23/10	03/02/10		\$75,000			\$8,000	\$1,600	07/13/10	\$140,000
070-B	J2 Studio Architecture + Design	521 East Main Avenue	Lease	Completed	02/10/10	02/23/10	03/02/10					\$8,000	\$1,600	03/11/10	
071-B	JS Bridal, LLC	115 North 4th Street	Lease	Completed	06/09/10	06/22/10	07/02/10					\$4,000	\$800	11/01/10	
072-B	Toasted Frog West, LLC	124 North 4th Street	Lease	Completed	10/19/10	10/26/10	11/10/10					\$12,000	\$2,400	12/01/10	
073-B	A.L. Brend, DDS	207 East Front Avenue	Lease	Completed	10/13/10	10/26/10	11/10/10		\$300,000			\$55,000	\$11,000	10/24/11	
074-B	Magi-Touch Carpet & Furniture, Inc	800 East Sweet Avenue	Lease	Completed	10/19/10	10/26/10	11/10/10					\$106,000	\$21,200	02/01/11	
075-B	American Bank Center	401 North 4th Street	New Construction	Completed	10/19/10	10/26/10	11/10/10	\$125,000	\$3,200,000	\$3,500,000	\$15,500	\$15,000	\$3,000	10/15/12	\$3,046,296



**BISMARCK RENAISSANCE ZONE PROGRAM - PROJECT STATUS**

State ID	Applicant	Street Address	Project Type	Status	RZA Hearing	Commission Review	State Approval	Beginning Building Market Value	Proposed Investment	Estimated Building Value w/Investment	Estimated Property Tax Benefit	Estimated State Income Tax Benefit	Income Tax Benefit Per Year	Completion Date	Actual Investment
076-B	Spaces, Inc.	122 East Main Avenue	Lease	Completed	01/12/11	01/25/11	02/07/11		\$60,000			\$7,500	\$1,500	02/21/11	
077-B	Aimee C. Reidy	306 South 10th Street	Rehabilitation	Completed	03/09/11	03/22/11	04/17/11	\$68,200	\$20,000	\$120,000	\$5,500	\$2,500	\$500	08/24/11	\$45,433
080-B	Pine Properties, LLC	100 West Broadway Avenue	New Construction	Completed	06/08/11	06/28/11	08/10/11	\$0	\$27,000,000	\$23,500,000	\$1,869,310	\$15,000	\$3,000	02/01/15	\$23,947,483
081-B	Gulch II, LLC (fka HST, LLC)	506/510 East Main Avenue	Rehabilitation	Completed	07/12/11	07/26/11	08/10/11	\$243,500	\$3,100,000	\$3,000,000	\$238,635	\$15,439	\$3,088	01/15/14	\$3,535,146
082-B	Daymark, LLC	521 East Main Avenue	Lease	Completed	07/12/11	07/26/11	08/10/11					\$80,000	\$16,000	11/07/13	
083-B	JLB-BIS, Inc.	217 North 3rd Street	Rehabilitation	Completed	02/21/12	02/28/12	03/12/12	\$113,500	\$350,000	\$265,000	\$20,750	\$75,000	\$15,000	11/15/12	
084-B	Broadway Centre, LLC	100 West Broadway Avenue	Lease	Completed	02/21/12	02/28/12	03/12/12					\$10,000	\$2,000	07/31/14	
085-B	Pine Properties, LLC	100 West Broadway Avenue	Lease	Completed	02/21/12	03/27/12	05/14/12					\$0	\$0	07/31/14	
086-B	Pine Investment Compay, LLC	100 West Broadway Avenue	Lease	Completed	02/21/12	03/27/12	05/14/12					\$351,020	\$70,204	07/31/14	
087-B	Pine Enterprises, LLC	100 West Broadway Avenue	Lease	Completed	02/21/12	03/27/12	05/14/12					\$0	\$0	07/31/14	
088-B	Pine Petroleum, Inc.	100 West Broadway Avenue	Lease	Completed	02/21/12	03/27/12	05/14/12					\$509,880	\$101,976	07/31/14	
089-B	Pine Oil Company	100 West Broadway Avenue	Lease	Completed	02/21/12	03/27/12	05/14/12					\$16,485	\$3,297	07/31/14	
090-B	Kenneth Clark and Dave Clark	106 East Thayer Avenue	Rehabilitation	Completed	07/17/12	07/24/12	07/26/12	\$117,800	\$89,000	\$197,000	\$24,430	\$600	\$120	02/07/13	\$95,402
091-B	Bread Poets Baking Company, LLC	106 East Thayer Avenue	Lease	Completed	07/17/12	07/24/12	07/26/12					\$12,400	\$2,480	02/07/13	
092-B	Obermiller Nelson Engineering	116 North 5th Street	Lease	Completed	08/21/12	08/28/12	08/29/12					\$10,000	\$2,000	09/01/12	
094-B	Redland, LLC	401 East Broadway Avenue	Rehabilitation	Approved	11/20/12	11/27/12	12/21/12	\$96,300	\$1,400,000	\$1,200,000	\$110,940	\$45,000	\$9,000	Pending	Pending
095-B	Hump Back Sally's, LLC	510 East Main Avenue	Lease	Completed	11/20/12	11/27/12	01/09/13					\$45,000	\$9,000	01/01/15	
096-B	Faass Lavida, LLC	510 East Main Avenue	Lease	Completed	01/15/13	01/22/13	02/21/13					\$96,000	\$19,200	09/01/13	
097-B	J&G, Inc dba Red Wing Shoes	529 East Broadway Avenue	Lease	Completed	06/18/13	06/25/13	06/27/13					\$40,000	\$8,000	10/01/13	\$73,514
098-B	Skjonsby Unlimited, Inc.	222 West Broadway Avenue	Rehabilitation	Completed	06/18/13	06/25/13	06/27/13	\$41,300	\$72,421	\$90,000	\$5,500	\$2,940	\$588	12/20/13	\$93,607
099-B	Arikota, LP	306 South 1st Street	New Construction	Approved	06/18/13	06/25/13	09/18/13	\$0	\$3,000,000	\$2,000,000	\$100,000	\$40,000	\$8,000	Pending	Pending
100-B	Langan Engineering & Environmental	401 East Broadway Avenue	Lease	Completed	08/20/13	08/27/13	01/14/14		\$55,000			\$45,000	\$9,000	05/16/14	
101-B	Kadlec Enterprises, LLC	307 North 3rd Street	Rehabilitation	Completed	09/17/13	09/24/13	09/25/13	\$212,400	\$490,051	\$550,000	\$30,000	\$40,000	\$8,000	06/14/14	\$412,637
102-B	Fireflour, LLC	111 North 5th Street	Lease	Completed	09/17/13	09/24/13	09/25/13		\$28,500			\$20,000	\$4,000	10/23/13	\$35,814
103-B	Norma Apartments, LLP	215 North 5th Street	Rehabilitation	Completed	10/15/13	10/22/13	11/15/13	\$418,700	\$704,226	\$450,000	\$34,740	\$18,900	\$3,780	10/22/14	\$859,156
104-B	CC's Physical Therapy, LLC	100 West Broadway Avenue	Lease	Completed	03/18/14	03/26/14	04/02/14		\$300,000			\$10,000	\$2,000	12/10/14	
105-B	Pure Skin, LLC	100 West Broadway Avenue	Lease	Completed	04/15/14	04/22/14	05/29/14		\$248,000			\$15,000	\$3,000	12/12/14	
106-B	Broadway Centre Salon & Spa, Inc.	100 West Broadway Avenue	Lease	Completed	04/15/14	04/22/14	05/29/14		\$558,403			\$20,000	\$4,000	12/04/14	
107-B	Lucky Ducks ND, LLC	307 North 3rd Street	Lease	Completed	05/20/14	05/27/14	05/28/14					\$40,000	\$8,000	06/15/14	
108-B	George Yineman/Bismarck Realty Co.	113 South 5th Street	Lease	Completed	10/22/14	10/28/14	11/06/14		\$17,100			\$5,000	\$1,000	01/01/15	\$20,365
109-B	William F. Cleary	100 West Broadway Avenue, Suite 308	Primary Residential	Completed	11/18/14	11/25/14	12/15/14				\$25,000	\$25,000	\$5,000	12/17/14	
110-B	Gulch Holdings II, LLC	514 East Main Avenue	Purchase w/ Major	Completed	01/20/15	01/27/15	03/08/15	\$190,300	\$246,035	\$400,000	\$25,000	\$0	\$0	08/22/14	\$258,513
111-B	Juniper, LLC	315 East Broadway Avenue	Lease	Completed	02/17/15	02/24/15	03/27/15					\$25,000	\$5,000	09/24/15	
112-B	Terra Nomad, LLC	514 East Main Avenue	Lease	Completed	03/17/15	03/24/15	04/20/15		\$28,000			\$11,000	\$2,200	06/30/15	
113-B	Leon 'Curly' Schach	100 West Broadway Avenue, Suite 311	Primary Residential	Completed	04/30/15	05/12/15	06/03/15				\$25,000	\$10,000	\$2,000	06/10/15	
114-B	The Barber's Wife, LLC	116 North 5th Street	Lease	Completed	04/30/15	05/12/15	07/20/15		\$25,000			\$5,000	\$1,000	07/23/15	
115-B	Rick and Lori Lee	100 West Broadway Avenue, Suite 318	Primary Residential	Completed	05/19/15	05/26/15	06/30/15					\$24,000	\$30,000	07/01/15	
116-B	Kevin D. Reisenauer	100 West Broadway Avenue, Suite 309	Primary Residential	Completed	04/30/15	05/12/15	08/11/15					\$25,000	\$5,000	08/11/15	
117-B	100 West Main, LP	100 West Main Avenue	New Construction	Approved	09/15/15	09/22/15	11/23/15	\$20,000	\$5,206,732	\$3,000,000	\$160,000	\$0	\$0	Pending	Pending
118-B	Glasser Images, LLC	510 East Main Avenue	Lease	Completed	11/17/15	11/24/15	04/25/16		\$140,000			\$5,000	\$1,000	04/25/16	
119-B	River Road Partners, LLC	212 East Main Avenue	Purchase w/ Major	Approved	12/15/15	12/22/15	02/11/16	\$130,200	\$100,000	\$360,000	\$20,800	\$5,000	\$1,000	Pending	Pending
120-B	The Starving Rooster, LLC	512 East Main Avenue	Lease	Completed	06/21/16	06/28/16	07/20/16		\$600,000			\$25,000	\$5,000	03/31/17	
121-B	Steven and Carl Hall	100 West Broadway Avenue, Suite 310	Primary Residential	Completed	10/18/16	10/25/16	11/16/16				\$25,000	\$5,000	\$1,000	11/16/16	
122-B	NoodleZip	208 East Main Avenue	Lease	Completed	02/09/17	02/28/17	03/17/17		\$62,000			\$15,000	\$3,000	07/21/17	
123-B	Mark Ruhland	101 West Broadway Avenue, Suite 302	Primary Residential	Completed	06/08/17	06/27/17	08/01/17				\$25,000	\$5,000	\$1,000	Pending	
124-B	701 Roots LLC	201 West Main Avenue	Rehabilitation	Approved	07/13/17	07/25/17	08/02/17	\$827,600	\$600,000	\$1,427,600	\$48,345	\$0	\$0	Pending	Pending
125-B	Active Life Chiropractic, PC	201 West Main Avenue	Lease	Approved	07/13/17	07/25/17	08/02/17					\$64,985	\$12,997	Pending	
126-B	Herman Eggers Revocable Living Trust	122 North Mandan Street	Rehabilitation	Approved	08/10/17	08/22/17	08/28/17	\$349,400	\$590,000	\$1,000,000	\$35,000	\$0	\$0	Pending	Pending
127-B	Proximal 50	122 North Mandan Street	Lease	Approved	08/10/17	08/22/17	08/28/17						\$0	Pending	Pending
128-B	Traci and Bruce Maragos	100 West Broadway Avenue, Suite 306	Primary Residential	Completed	04/13/17	04/25/17	09/19/17				\$25,000	\$5,000	\$1,000	09/19/17	
129-B	Lester and Patricia Neff	102 West Broadway Avenue, Suite 320	Primary Residential	Completed	06/08/17	06/27/17	09/26/17				\$25,000	\$5,000	\$1,000	09/26/17	
130-B	Butterhorn Restaurant	210 East Main Avenue	Lease	Approved	09/14/17	09/26/17	10/03/17		\$860,000			\$21,600	\$4,320		
Pending	Advanced Skin Support, LLC	401 East Broadway Avenue	Lease	In Review	09/14/17	09/26/17			\$300,000			\$21,600	\$4,320		
								<b>\$16,231,180</b>	<b>\$71,034,227</b>	<b>\$70,057,000</b>	<b>\$5,783,233</b>	<b>\$8,223,098</b>			
															<b>\$52,536,392</b>